



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

~~US 479.45~~

Harvard College Library

FROM

Clarence B. Angle,
Secretary.

26 March, 1894.



DEPOSITED BY HARVARD COLLEGE LIBRARY

SIXTH REPORT
OF THE
CIVIL SERVICE COMMISSION
OF THE
STATE OF NEW YORK.

COMMISSIONERS:
DANIEL E. SICKLES, JAMES H. MANNING,
GEORGE H. TREADWELL.

TRANSMITTED TO THE LEGISLATURE MARCH 12, 1889.

ALBANY:
THE TROY PRESS COMPANY, PRINTERS.
1889.

~~HS 479.45~~
~~9384.57.2~~



Clarence B. Angell,
Secy.



DEPOSITED BY HARVARD COLLEGE LIBRARY

STATE OF NEW YORK.

No. 77.

IN ASSEMBLY.

MARCH 12, 1889.

SIXTH ANNUAL REPORT

OF THE

CIVIL SERVICE COMMISSION OF THE STATE
OF NEW YORK.

STATE OF NEW YORK:

EXECUTIVE CHAMBER, }
ALBANY, *March* 12, 1889. }

To the Speaker of the Assembly :

I have the honor to transmit herewith the annual report
of the Civil Service Commissioners for 1888.

DAVID B. HILL.

REPORT.

OFFICE OF THE CIVIL SERVICE COMMISSION, }
ALBANY, *February 1, 1889.* }

To the Governor :

SIR.—The undersigned, the Civil Service Commission, has the honor to submit its sixth annual report.

The number of persons in the Civil Service of the State, subject to Civil Service regulations, is 15,482, and is distributed as follows :

In the service of the State (exclusive of cities) and subject to Civil Service rules	3,219
In the service of cities, subject to Civil Service regulations	12,263
City of New York	7,240
City of Brooklyn	2,411
City of Albany	629
City of Auburn	24
City of Syracuse	133
City of Rochester	280
City of Buffalo	917
City of Binghamton	32
City of Troy	207
City of Ogdensburgh	4
Long Island City	None rep.
City of Yonkers	153
City of Elmira	58
City of Kingston	15
City of Newburgh	25
City of Poughkeepsie	7
City of Utica	100
City of Amsterdam	15
City of Dunkirk	2

City of Jamestown	None rep.
City of Lockport.....	None rep.
City of Cohoes.....	None rep.
City of Oswego	None rep.
City of Rome.....	11
City of Schenectady.....	None rep.
City of Watertown	None rep.
City of Ithaca.....	None rep.
City of Middletown	None rep.

PERSONS EXAMINED.

Number of persons examined in State service.....	939
Number of persons examined in city of New York	2,490
Number of persons examined in city of Brooklyn	903
Number of persons examined in city of Albany	87
Number of persons examined in city of Auburn	4
Number of persons examined in city of Binghamton ..	3
Number of persons examined in city of Buffalo.....	135
Number of persons examined in city of Elmira	31
Number of persons examined in city of Kingston.....	None rep.
Number of persons examined in city of Newburgh	5
Number of persons examined in city of Ogdensburgh..	None rep.
Number of persons examined in city of Poughkeepsie..	1
Number of persons examined in city of Rochester	170
Number of persons examined in city of Syracuse	23
Number of persons examined in city of Troy	16
Number of persons examined in city of Utica	18
Number of persons examined in city of Yonkers.....	7
Number of persons examined in city of Amsterdam...	None rep.
Number of persons examined in city of Dunkirk.....	None rep.
Number of persons examined in city of Jamestown ...	None rep.
Number of persons examined in city of Lockport.....	None rep.
Number of persons examined in city of Oswego	None rep.
Number of persons examined in city of Rome	None rep.
Number of persons examined in city of Schenectady ..	None rep.
Number of persons examined in city of Watertown ...	None rep.
Number of persons examined in city of Ithaca.....	None rep.
Number of persons examined in city of Middletown...	None rep.
Number of persons examined in Long Island City....	None rep.
Number of persons examined in city of Cohoes.....	None rep.

NUMBER OF PERSONS APPOINTED, UNDER THE RULES,
TO CLASSIFIED POSITIONS.

Appointments to classified positions in the State service,	659
Appointments to classified positions in the city of New York.....	1,411
Appointments to classified positions in the city of Brooklyn.....	334
Appointments to classified positions in the city of Albany	52
Appointments to classified positions in the city of Auburn.....	2
Appointments to classified positions in the city of Binghamton	1
Appointments to classified positions in the city of Buffalo.....	61
Appointments to classified positions in the city of Elmira,	13
Appointments to classified positions in the city of Kingston.....	None rep.
Appointments to classified positions in the city of Newburgh.....	2
Appointments to classified positions in the city of Ogdensburgh	None rep.
Appointments to classified positions in the city of Poughkeepsie.....	7
Appointments to classified positions in the city of Rochester	47
Appointments to classified positions in the city of Syracuse	16
Appointments to classified positions in the city of Troy,	8
Appointments to classified positions in the city of Utica,	7
Appointments to classified positions in the city of Yonkers.....	54
Appointments to classified positions in the city of Amsterdam	None rep.
Appointments to classified positions in the city of Dunkirk	None rep.
Appointments to classified positions in the city of Jamestown.....	None rep.
Appointments to classified positions in the city of Lockport.....	None rep.

Appointments to classified positions in the city of Oswego	None rep.
Appointments to classified positions in the city of Rome,	None rep.
Appointments to classified positions in the city of Schenectady	None rep.
Appointments to classified positions in the city of Watertown	None rep.
Appointments to classified positions in the city of Ithaca	None rep.
Appointments to classified positions in the city of Middletown	None rep.
Appointments to classified positions in Long Island City	None rep.
Appointments to classified positions in the city of Cohoes	None rep.

THE NUMBER OF REMOVALS MADE.

In the classified service of the State	179.
In the city of New York, classified service	194
In the city of Brooklyn, classified service	84
In the city of Albany, classified service	14
In the city of Auburn, classified service	None rep.
In the city of Binghamton, classified service	None rep.
In the city of Buffalo, classified service	9
In the city of Elmira, classified service	1 .
In the city of Kingston, classified service	None rep.
In the city of Newburgh, classified service	None rep.
In the city of Ogdensburgh, classified service	None rep.
In the city of Poughkeepsie, classified service	None rep.
In the city of Rochester, classified service	None rep.
In the city of Syracuse, classified service	2
In the city of Troy, classified service	1
In the city of Utica, classified service	None rep.
In the city of Yonkers, classified service	22
In the city of Amsterdam, classified service	None rep.
In the city of Dunkirk, classified service	None rep.
In the city of Jamestown, classified service	None rep.
In the city of Lockport, classified service	None rep.
In the city of Oswego, classified service	None rep.
In the city of Rome, classified service	None rep.

CIVIL SERVICE COMMISSION.

9

In the city of Schenectady, classified service.	None rep.
In the city of Watertown, classified service	None rep.
In the city of Ithaca, classified service.....	None rep.
In the city of Middletown, classified service	None rep.
In Long Island City	None rep.
In the city of Cohoes.....	None rep.

NUMBER OF PROMOTIONS MADE.

In State classified service	14
In classified service, city of New York.....	223
In classified service, city of Brooklyn.....	58
In classified service, city of Albany.....	16
In classified service, city of Auburn.....	None rep.
In classified service, city of Binghamton.....	None rep.
In classified service, city of Buffalo	1
In classified service, city of Elmira	9
In classified service, city of Kingston.....	None rep.
In classified service, city of Newburgh.....	None rep.
In classified service, city of Ogdensburgh.....	None rep.
In classified service, city of Poughkeepsie	None rep.
In classified service, city of Rochester.....	None rep.
In classified service, city of Syracuse.....	2
In classified service, city of Troy.....	3
In classified service, city of Utica.....	1
In classified service, city of Yonkers.....	None rep.
In classified service, city of Amsterdam.....	None rep.
In classified service, city of Dunkirk	None rep.
In classified service, city of Jamestown.....	None rep.
In classified service, city of Lockport	None rep.
In classified service, city of Oswego.....	None rep.
In classified service, city of Rome.....	None rep.
In classified service, city of Schenectady.....	None rep.
In classified service, city of Watertown.....	None rep.
In classified service, city of Ithaca.....	None rep.
In classified service, city of Middletown.....	None rep.
In classified service, city of Cohoes	None rep.
In classified service, Long Island City.....	None rep.

(1.) Common school. (All save those who are self-educated.)

CIVIL SERVICE COMMISSION.

	11
In the city of Elmira	31
Average age, 32 years.	
Education, how obtained :	
(1.) Common school.....	29
(2.) Academic	1
(3.) Collegiate	1
In the city of Kingston	Not rep.
In the city of Newburgh.....	5
Average age, 35 years.	
Education, how obtained :	
(1.) Common school. (All.)	
In the city of Ogdensburgh	Not rep.
In the city of Poughkeepsie.....	11
Average age, 42 years.	
Education, how obtained. (Not reported.)	
In the city of Rochester	170
Average age. (Not reported.)	
Education, how obtained :	
(1.) Common school.....	149
(2.) Private.....	2
(3.) Academic	11
In the city of Syracuse	23
Average age, 33 years.	
Education, how obtained :	
(1.) Common school. (Chiefly.)	
In the city of Troy	16
Average age, 31 years 7 months.	
Education, how obtained :	
(1.) Common school.....	10
(2.) Academic	2
In the city of Utica	18
Average age, 33½ years.	
Education, how obtained :	
(1.) Common school.....	18
In the city of Yonkers.....	7
Average age, 28 years.	
Education, how obtained :	
(1.) Common school.....	7

In the city of Amsterdam	Not rep.
In the city of Dunkirk	Not rep.
In the city of Jamestown	Not rep.
In the city of Lockport	Not rep.
In the city of Oswego	Not rep.
In the city of Rome	Not rep.
In the city of Schenectady	Not rep.
In the city of Watertown	Not rep.
In the city of Ithaca	Not rep.
In the city of Middletown	Not rep.
In the city of Cohoes	Not rep.
In Long Island City	Not rep.

NUMBER OF PERSONS WHO PASSED COMPETITIVE EXAMINATIONS AND
HAVE BEEN ENTERED UPON ELIGIBLE LISTS.

In the State service :

In 1887	254
In 1888	247

In the city of New York :

In 1887	1,733
In 1888	1,257

In the city of Brooklyn :

In 1887	755
In 1888	371

In the city of Albany :

In 1887	58
In 1888	60

In the city of Auburn :

In 1887	Not rep.
In 1888	3

In the city of Binghamton :

In 1887	Not rep.
In 1888	Not rep.

In the city of Buffalo :

In 1887	Not rep.
In 1888	67

In the city of Elmira :

In 1887	Not rep.
In 1888	24

In the city of Kingston :

In 1887 Not rep.

In 1888 Not rep.

In the city of Newburgh :

In 1887 6

In 1888 2

In the city of Ogdensburgh :

In 1887 Not rep.

In 1888 Not rep.

In the city of Poughkeepsie :

In 1887 Not rep.

In 1888 6

In the city of Rochester :

In 1887 91

In 1888 112

In the city of Syracuse :

In 1887 150

In 1888 23

In the city of Troy :

In 1887 11

In 1888 12

In the city of Utica :

In 1887 Not rep.

In 1888 Not rep.

In the city of Yonkers :

In 1887 13

In 1888 7

In the city of Amsterdam :

In 1887 Not rep.

In 1888 Not rep.

In the city of Dunkirk :

In 1887 Not rep.

In 1888 Not rep.

In the city of Jamestown :

In 1887 Not rep.

In 1888 Not rep.

In the city of Lockport :

In 1887	Not rep.
In 1888	Not rep.

In the city of Oswego :

In 1887	Not rep.
In 1888	Not rep.

In the city of Rome :

In 1887	Not rep.
In 1888	Not rep.

In the city of Schenectady :

In 1887	Not rep.
In 1888	Not rep.

In the city of Watertown :

In 1887	Not rep.
In 1888	Not rep.

In the city of Ithaca :

In 1887	Not rep.
In 1888	Not rep.

In the city of Middletown :

In 1887	Not rep.
In 1888	Not rep.

In the city of Cohoes :

In 1887	Not rep.
In 1888	Not rep.

In Long Island City :

In 1887	Not rep.
In 1888	Not rep.

NUMBER OF LABORERS NOT CLASSIFIED UNDER THE CIVIL
SERVICE RULES.

In the city of New York	2,829
In the city of Brooklyn	954
In the city of Albany	28
In the city of Auburn (average number)	50
In the city of Binghamton	20
In the city of Buffalo	Not rep.
In the city of Elmira	125
In the city of Kingston	7

In the city of Newburgh (average number)	47
In the city of Ogdensburgh	Not rep.
In the city of Poughkeepsie	Not rep.
In the city of Rochester	Not rep.
In the city of Syracuse	147
In the city of Troy	Not rep.
In the city of Utica (average number)	25
In the city of Amsterdam	Not rep.
In the city of Dunkirk	Not rep.
In the city of Jamestown	Not rep.
In the city of Lockport	Not rep.
In the city of Oswego	Not rep.
In the city of Rome	Not rep.
In the city of Schenectady	Not rep.
In the city of Watertown	Not rep.
In the city of Ithaca	Not rep.
In the city of Middletown	Not rep.
In the city of Cohoes	Not rep.
In Long Island City	Not rep.

CHIEF EXAMINER'S REPORT.

Attention is respectfully invited to the report of the Chief Examiner herewith transmitted, which will exhibit the principal operations of the year in the examination of persons for the State service.

SUMMARY OF STATE EXAMINATIONS.

The following is a summary of the results of examinations of employes in the State service held during the year:

	Number examined.	Qualified.	Not qualified.
Competitive examination	349	247	102
Non-competitive examination (Schedule C) . . .	112	107	5
Non-competitive examination (Schedule D) . . .	478	474	4
Totals	939	828	111

PRISON OFFICERS.

Heretofore but one eligible list for all prison officers had been prepared. As the several State prisons are located widely apart, it often happened that men who reside in the vicinity of one prison were appointed to positions at another and distant prison. This caused much inconvenience and embarrassment. Frequent applications for leave of absence to enable the employés to visit their homes, and unnecessary traveling expenses imposed upon the employés, and a lack of knowledge on the part of the chiefs of the prisons as to the fitness of men for guard duty, so important in maintaining prison discipline, induced the commissioners to provide for special eligible lists for each of the prisons in the State, and the results have been most satisfactory to the several wardens of the prisons and to the men appointed.

The examinations for prison officers have all been conducted in person by the Chief Examiner, assisted by the warden and principal keeper at each prison. Each candidate was examined orally, separately, and such questions were asked as would test the special qualifications of the candidate for this particular work. In marking the candidates, the result of this oral examination was given greater weight than the marking in any particular subject in which candidates were required to write out answers to printed questions. The standing of each candidate in the oral examination was determined by the examiners at the time; heretofore the answers to the questions put in the oral examination were taken down by a stenographer, and after being written out were marked by a board of prison experts. As the board had no opportunity to observe the manner of answering and the peculiarities of the individual, the oral examination, as heretofore, served no purpose that might not have been obtained by printed questions.

The prison officers express themselves as being much pleased with the opportunity thus afforded to judge of the character and fitness of candidates.

The same system of special eligible lists is now observed for all employés in each of the State asylums, hospitals and reformatories. Inasmuch as special and peculiar

qualifications are required in these institutions, it is believed that the provision for an eligible list confined to each one of them will prove useful.

CITIES.

The reports of the mayors of the principal cities in the State as to the results of the Civil Service law and regulations in regard to appointments and promotions, and as to the character and efficiency of the persons appointed, are gratifying.

It will be observed that the reports from the cities of New York, Brooklyn, Buffalo, Syracuse, Auburn and Utica are all strongly commendatory of the results obtained from the system of competitive examination; it is in these large cities that the reform in the Civil Service has been most thoroughly established and enforced, whilst in the other municipalities, from which less encouraging reports are received, the system has been either imperfectly tried in some of them, or in others no serious attempt has been made to inaugurate Civil Service methods as required by law. It is, however, in the power of any taxpayer who desires to compel the authorities of the city in which he resides to comply with the requirements of the law respecting appointments in the Civil Service to bring an action in the Supreme Court for that purpose; and the adjudications already made in similar cases referred to in this report, under the head of "judicial decisions," afford ample evidence that the courts will forbid the payment of salaries to public officers subject to Civil Service regulations who have not been appointed in conformity with them.

Referring to the reports from several cities in which it appears, from the extracts herewith given, that in some instances no steps have been taken to frame and adopt Civil Service regulations, and that in other places that duty has been imperfectly performed, it may be useful to invite the attention of all concerned to the provisions of section 8 of chapter 354 of the Laws of 1883, as amended by section 2 of chapter 410 of the Laws of 1884:

SECTION 8. The Mayor of each city in this State is authorized and is hereby directed to prescribe such regulations for the

admission of persons into the Civil Service of such city as may best promote the efficiency thereof and ascertain the fitness of candidates in respect to character, knowledge and ability for the branch of the service into which they seek to enter; and for this purpose he shall from time to time employ suitable persons to conduct such inquiries and make examinations, and shall prescribe their duties and establish regulations for the conduct of persons who may receive appointment in the said service. And the regulations so to be prescribed shall, among other things, provide and declare as in the second subdivision of the second section of this act is provided and declared in reference to regulations for admission to the Civil Service of the State.

“Within two months after the passage of this act, it shall be the duty of each of said Mayors in and by such regulations to cause to be arranged in classes the several clerks and persons employed or being in the public service of the city of which he is Mayor, and he shall include in one or more of such classes, so far as is practicable for the purposes of the examination herein provided for, all subordinate clerks and officers in the public service of the said city to whom his power under this act extends.

“After the termination of three months from the passage of this act no officer or clerk shall be appointed, and no person shall be admitted to or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules, until he has passed the examination or is shown to be exempted from such examination in conformity with such regulations. Such regulations hereinafter prescribed and established, and any subsequent modification thereof shall take effect upon the approval of the New York Civil Service Commission.

* * * * *

“It shall be the duty of all those in the official service of any such city to conform and comply with any regulations made pursuant to this act, and to aid and facilitate in all reasonable and proper ways the enforcement of all regulations and the holding of all examinations which may be required under the authority conferred by this section.”

* * * * *

NEW YORK.

The Mayor of New York, Hon. ABRAM S. HEWITT, reports as follows: “My opinion is that the effect of the application of the Civil Service law to appointments and promotions has been to

improve the character and efficiency of the persons appointed. It has tended directly to promote the selection from among lists of applicants that are best qualified for the several positions to which they have sought appointment or promotion. The examinations have been practical in their character, and directly adapted to test the fitness of applicants for the various positions referred to. The effect upon the appointing officers has been to impress upon them, in the most direct way, that appointments, under the law, must be made from among those persons who are best fitted for the positions to which they are appointed, and it has thus tended to diminish the pressure upon them to make appointments, irrespective of fitness, for personal or political reasons. I am satisfied that my answer to both questions is especially applicable to appointments in the Police and Fire departments in the city of New York."

The Civil Service Commissioners of the city of New York, E. P. WHEELER, chairman; E. L. GODKIN and E. R. ROBINSON, Esqs., report to the Mayor of the city: "That towards the close of the year a circular was sent by the secretary of the Examining Board to the heads of the various city departments, asking a statement of the result of their experience of the working of the law within their respective spheres. This elicited from the Police Department, and from the Police Department alone, some complaints, of which the two serious ones were that the present system of certification under the regulations virtually transferred the selection of candidates for admission to the police force from the Police Board to the Civil Service Examining Board, and that the percentage of resignations and dismissals under charges was greater among those appointed since the law went into operation than among those appointed before."

The New York City Commissioners in their report proceed to show that the first complaint appears to be based upon a misapprehension of the facts of the case, and they add that if there be any real foundation for the second complaint "it indicates insufficient or negligent or corrupt prosecution of the preliminary inquiries into the moral character of candidates for admission to the force. This investigation is, under the Civil Service regulations, left wholly to the Captain of the Precinct in which the applicant resides, who prosecutes it through his detectives or patrolmen. If, therefore, a large number of candidates find their way into the

force whose morality proves defective when tested by the actual service, the responsibility rests with the police department. The municipal service board could really undertake the duty, but provision of distinct machinery for the purpose would be expensive and the investigation by the police department in this field certainly ought to be made trustworthy."

Referring to the general operation of the Civil Service law in the city of New York, the city commissioners state: "The questions which have come before the Supervisory Board for adjustment during the year 1887, have been fewer in number and less important than in any preceding year. This has been due, in part, to the greater familiarity of the various departments with the working of the law; in part, to a better acquaintance on the part of the candidates with the scope and design of the regulations, and in part also to the revision which the regulations have undergone in the light of a more varied experience of the requirements of the municipal service."

BROOKLYN.

The Mayor of Brooklyn, Hon. ALFRED C. CHAPIN, in reply to the inquiry, what, in the Mayor's opinion, is the effect of the application of the Civil Service law to appointments and promotions, as to the character and efficiency of the persons appointed, states: "That the effect is good;" and in reply to the further inquiry as to the effect of the law upon appointing officers and especially with reference to appointments in the Police and Fire departments, the Mayor states: "That the effect is good in both particulars."

The Chairman of the Civil Service Commission of Brooklyn, EDWARD M. SHEPARD, reports: "That in the opinion of the Brooklyn Commission, the reform system has during the past year made steady progress in the favor of the people of their city. The friction and embarrassments inevitably attending the radical change in official and political methods sought by the reform laws are still great, but they are diminishing. With a wider popular appreciation of the practical character of competitive tests now applied, it would be easy to make the tests still more thorough and satisfactory, and to justify the growing popular confidence in the success of the reform." Chairman SHEPARD likewise remarks: "That in the general service of the city (Brooklyn) the power of removal of persons occupying positions within the competitive

schedule exercised upon the mere opinion of the heads of departments was only twenty-eight out of a total of 2,055 places. This is an excellent illustration of the continuity of the public service which the Civil Service laws have largely helped to establish. In the city of Brooklyn there are no positions filled by non-competitive examinations. Positions within the operation of the Civil Service laws are divided into three schedules, A, B and D. Schedule A includes places which, although within the scope of the law, nevertheless are excluded from competition by the Civil Service regulations, the appointments being solely within the power of the appointing officers, the number of these places being 207. Schedule B includes the places filled by open and free competitive examinations conducted by this Commission, and of those places there are 2,055. Schedule D includes laborers employed by the day, the number of whom varies greatly with the season of the year and the work done upon the parks and public works of the city. There is no examination for positions in Schedule D. The former Schedule C which included places filled by appointment by the heads of departments subject to a so-called 'pass examination' by the Civil Service examiners was abolished in Brooklyn in 1884. The conclusion was then reached that it was impracticable to make pass examinations for appointees already selected, at all satisfactory; and that where open competitive examinations could not be successfully applied, it was unwise to divide the responsibility of single appointments between the head of a department and a board of examiners."

AUBURN.

The Chairman of the Civil Service Board of Auburn, ROBERT F. YOUNG, Esq., reports: "That the operations of the law have been in every case, to place in office good, reliable and experienced men, securing appointees of good character and efficiency. The act also saves the appointing officers a great deal of annoyance." Chairman YOUNG adds: "This board has no suggestions to make, but, as far as service in this city is concerned, it is excellent."

BINGHAMTON.

The Chairman of the Civil Service Commission of Binghamton, DAVID MURRAY, Esq., reports to the Mayor, Hon. T. R. MORGAN: "That the officers of the police force are the only officers who come within the rules governing the Civil Service of the city;

there are none of the other officers mentioned in Schedule B employed in the city. The rules provide that appointments may be made subject to examination by this board. We have, therefore, had no competitive examination during the past year. The several boards which are responsible for the proper execution of the city affairs in the several departments are non-partisan, and we do not know of any violations of law regarding political assessments or of other parts of the Civil Service laws or rules. The management of the affairs of this city is in the hands of successful business men, who give their time and energy to its conduct, and the high credit of the city in financial circles, its general prosperity and rapid growth are a splendid reward, of which every citizen may well feel proud."

The Mayor reports that the application of the Civil Service law has probably had a good effect; and he adds that the report of the chairman of the Civil Service Commission is approved by the Mayor and may be considered an answer to the other inquiries addressed to him by the State Commissioners.

BUFFALO.

The report from the city of Buffalo is made by a committee appointed by the Civil Service Commission of Buffalo, consisting of FRANK M. LOOMIS, HENRY W. SPRAGUE and HARVEY W. PUTNAM, Esqs. They suggest that all teachers employed in the public schools throughout the State, excepting the chief teacher in graded schools, be subject to competitive Civil Service examinations. They also suggest that the Civil Service laws be amended by eliminating the provision exempting from Civil Service examinations those subordinates for whose errors or violations of duty the head of a department is financially responsible; and where the head of a department is responsible for misappropriations or misapplications of public moneys by the subordinate officer, giving as the reason for this suggestion that, in its present form, the Civil Service law is frequently evaded by special legislation requiring the filing of bonds by the heads of departments who do not receive public money, and that the only effect of such legislation is to restrict and limit the application of the Civil Service laws within a very narrow compass. The committee likewise recommend that an act be passed, requiring the mayors of the several cities to appoint a secretary for the local Civil Service Commission with a salary to be

named in the act, and making it the duty of the Common Council or other proper authority to appropriate a reasonable sum to be named in the act to defray the ordinary and necessary expenses of such local commission; and the committee recommend that in the city of Buffalo the salary of the secretary be fixed at not less than eight hundred dollars (\$800) per annum, and not more than fifteen hundred dollars (\$1,500), at the discretion of the Mayor. And that for the ordinary expenses of the commission for Buffalo, the committee suggests that a sum not less than two hundred and fifty dollars (\$250), and not more than four hundred dollars (\$400) for ordinary expenses be directed to be appropriated annually.

ELMIRA.

The Mayor of Elmira reports: "That the effect of the application of the Civil Service law to appointments and promotions, as to the character and efficiency of the persons appointed, is favorable." And in reply to question eleven, asking the Mayor's opinion as to the effect of the Civil Service laws and regulations upon appointing officers, and especially what effect, if any, the law has had upon appointments in the Police and Fire departments, the Mayor answers: "That it has a beneficial effect. Better men apply for the positions and thus render the standard higher." In reply to question twelve, and as to the effect of the law in regard to political assessments, the Mayor says: "It has been favorable."

NEWBURGH.

The Mayor of Newburgh, Hon. BENJAMIN B. ODELL, reports: "That the application of the Civil Service law in that city has considerably improved the service, as to the character and efficiency of the persons appointed; and that the law greatly relieves him from the annoyance of incompetent applicants, and has enabled him to secure better appointments in the Police Department." He adds "that no political assessments are made in the city government of Newburgh."

CHARLES E. SNYDER, president of the Civil Service Board of Newburgh, concurs in the foregoing opinions expressed by the Mayor.

OGDENSBURGH.

The Mayor of Ogdensburgh reports that the employes heretofore appointed under the Civil Service rules "have all remained in office, efficient and non-partisan in their action."

POUGHKEEPSIE.

The Mayor of Poughkeepsie, Hon. EDWARD ELLSWORTH, reports : "That the Civil Service law, by giving a measure of qualifications, secures a better class of applicants and better service;" and, he adds, "that the effect upon the appointing officers, and especially with reference to appointments in the Police and Fire departments, is good." And he states "that during his administration he has not been informed of any violation of the law prohibiting political assessments upon employés in the public service."

ROCHESTER.

WILLIAM F. PECK, Esq., of the Civil Service Commission of Rochester, reports, with the approval of the Mayor, that he has no suggestion to make relative to any amendment of the Civil Service law. But, with regard to its enforcement, he suggests that it might be well "to provide a heavy penalty for any violation of the law on the part of the appointing power. The Common Council, the Executive Board and the Board of Health have always sought to evade the law, and have complied with its provisions only 'as far as they were compelled to do so.' During the period of nearly four years, in which I have been a member of the Executive Board, I have been engaged in a constant struggle with these bodies to maintain the law. The Health Board seems now inclined to obey the letter of the law, to say the least, but the Executive Board makes constant trouble by making temporary appointments and then keeping those appointees in office by one pretense or another. The Common Council will probably not undertake a deliberate violation of the law for some time to come, having learned a lesson that ought to be salutary. More than a year ago the Common Council created a new office, that of lamp inspector, merely to pay a political debt, and filled the office immediately with the person for whom it was created. No argument in favor of any one else was allowed, and as for paying any attention to the Civil Service law, the very idea was laughed to scorn, the chairman of the lamp committee telling me himself that all he had to say on the subject was 'Civil Service be ——.' I applied to the Supreme Court for an injunction, and obtained it readily, and the case was argued last April before Justice Angle, one of the best judges in the State, whose opinion, even off the bench, carries great weight. He took the papers, and handed

down in September his decision, sustaining the law, as you will see by the inclosed slip. The Common Council, however, was not disposed to give up so readily, and it yielded to the pernicious advice of the city attorney, instructing him to appeal the case to the General Term. The Mayor promptly vetoed that resolution, and the Common Council failed to pass it over his veto, five voting in favor of it, nine against it. That ended the matter, and since then there has been a more wholesome respect for the law than before." (See appendix, page 220, Civil Service Inj. Case.)

SYRACUSE.

CHARLES H. PECK, Esq., President of the Board of Municipal Service Examiners for the city of Syracuse, reports: "That since the adoption of the Civil Service regulations there has been a steady effort to give them due force and effect. It was found difficult to revolutionize, at once, the system of making municipal appointments for reasons merely political; but, in consequence of a sincere desire on the part of the examiners to enforce the regulations, coupled with a conservative disposition not to attempt more than would be practicable and successful, there has been a constant improvement toward a rigid and comprehensive enforcement of both the letter and the spirit of the laws and regulations. Perhaps the most significant result of this course has been the change in the character of the applicants for examination. It is now so well understood, and by the appointing boards and officials, that the examinations mean what they pretend, that the former proportion of totally incompetent aspirants has almost entirely disappeared. The police force of this city, where the infraction of the Civil Service scheme is most likely to occur, has never been composed of such fit and worthy men as at present, and this is due mostly to the efforts of this board."

UTICA.

S. M. LINDSLEY, President of the Utica City Civil Service Examining Board, reports that in that city "the operation of the Civil Service laws appears to be satisfactory, and the result beneficial to the city, and he recommends that the State Commission adopt general rules and directions for the conduct of examinations in cities, with the view to uniformity in the different municipalities." And he suggests that "where a person passes examination he should not be eligible to appointment, without again passing an examination, for a period of more than six months."

YONKERS.

Hon. HARVEY BELL, Mayor of the city of Yonkers, reports that he does not consider "that there is any practical test of the Civil Service law in this city, as the regulations now apply only to appointments to the police force. I think well of Civil Service; I think its usefulness could be extended here to advantage, to the interests of the city." In reply to inquiry eleven, as to the effect of the Civil Service law upon appointing officers, and especially with reference to appointments in the Police and Fire departments, the Mayor states that, in his opinion, "It helps to secure good appointments." As to political assessments, the Mayor reports: "That he knows of no violation of the Civil Service act."

AMSTERDAM.

C. P. WHITE, Esq., City Attorney, reports that "If a thoroughly honest, able and non-partisan examining board could be maintained here, the enforcement of the law might be beneficial; but that seems impracticable, and examiners outside the city would not be sustained. The Mayor has not prepared Civil Service regulations for the city, for the reason that his term of office is but one year; that they would have no binding force upon his successor, and that such regulations, if noticed at all by the opposite political party, would be used as a screen for appointments for which otherwise it would be held directly responsible. If, however, the Civil Service Commission can obviate these difficulties, the Mayor will very heartily coöperate with it in applying the law to this city. I ought to add as another reason for non-compliance heretofore that appointments are made by the Common Council, and not by the Mayor or upon his nomination."

DUNKIRK.

Hon. W. BOOKSTAYER, Mayor of Dunkirk, reports "that the Mayor has but two appointments to make annually: the city clerk, whose salary is \$300 a year, and the Street Commissioner, whose salary is \$400 a year. The clerk has held the office for three years and is a very thorough and efficient man; the Street Commissioner for two years, and is well qualified for the place. I do not think the enforcement of the law has been brought to the attention of the people of Dunkirk, and can not see how its enforcement could improve its municipal service. I think we are exceedingly fortunate in getting men so well qualified for these positions at the small salaries."

JAMESTOWN.

Hon. O. F. PRICE, Mayor, reports : " That the number of persons in the Civil Service of the city of Jamestown is so small that I doubt whether any Civil Service rules would promote the efficiency of the service. The law has not been brought sufficiently to the attention of the citizens of Jamestown, so that no sentiment in favor of or against its enforcement has been manifested." The Mayor adds : " I do not wish to be understood, however, as declining to comply with any provisions of existing law, and I would be willing, although no existing law compelled it, to take any action that would improve the Civil Service action of the city. In my judgment, the enforcement of the law in this city would not improve its municipal service, for the reason that we are not so large but that every officer elected or appointed in the city is well known as to character, ability, standing and experience to the electing and appointing power."

LOCKPORT.

The Mayor of Lockport reports : " That the number of persons subject to the Civil Service statutes in the city of Lockport is so small as to make the enforcement of the law an impediment to the efficiency of the municipal service rather than a means of promoting it." In reply to the inquiry whether the Civil Service law has been brought to the attention of the citizens of Lockport, and if so, whether the sentiment is in favor of or against its enforcement, the Mayor replies as follows : " No attention has been paid to it." In answer to the inquiry whether the enforcement of the Civil Service law of the city of Lockport would improve its municipal service, the Mayor answers : " No use."

OSWEGO.

Hon. H. D. MCCLAFFREY, Mayor of the city of Oswego, reports : " That our city not having the requisite population to authorize the Mayor to prescribe rules and regulations regarding Civil Service, therefore nothing has been done. The attention of our city was called to the matter of Civil Service in the year 1884, and the requirements of chapter 354 of the Laws of 1884 examined, and the conclusion was that we did not come within the provisions of said law. There has not been any particular discussion of the matter, and I am not aware of any particular sentiment in favor of said law. I think I may state, from what I have heard, that our

people are in favor of Civil Service, but do not favor the way in which it is carried out. I am not apprised that the enforcement of the law above referred to would be of any particular benefit to our city."

ROME.

Hon. JAMES STEVENS, Mayor of Rome, reports: "First, that the Civil Service laws and regulations have not been specially brought to the attention of the public, and, consequently, there is little or no feeling upon the subject. Second, I do not believe that the public service in this city would be improved by the application of the Civil Service rules, as there are no permanent appointments. The only appointed officers are City Chamberlain, Clerk, six Policemen, Poormaster, Street Superintendent and Pound-keeper, and these are appointed for one year only."

SCHENECTADY.

The Mayor of Schenectady, Hon. T. Low BARHYDT, reports that all city officers in Schenectady "are appointed annually by the Board of Aldermen in the manner prescribed by the charter excepting two members of the Board of Health, and the remaining ones are their own successors. The health officer is appointed each year. I can not see where any advantage to the city is to be gained by submitting an appointee to an examination. Taking existing facts into consideration, I am not prepared to state whether the law spoken of has been brought to the attention of our citizens. I am of the opinion that in this city the residents prefer the present manner of appointing those who serve her interests in preference to any other, believing those appointed are practical instead of theoretical men. I do not believe the enforcement of the law in our city would improve its municipal service. I believe it would be utterly impossible were additions to be made to the police force to secure efficient men through competitive examinations."

WATERTOWN.

The Mayor of Watertown replies to several of the inquiries of the Commission as follows: "That the number of persons in the city of Watertown subject to the Civil Service statutes is so small as to make the enforcement of the law an impediment to the efficiency of the municipal service rather than a means of promoting it."

ITHACA.

Hon. D. B. STEWART, Mayor of Ithaca, reports that the Civil Service law "has not been brought to the attention of our citizens. That the city of Ithaca was organized last June under a charter gotten up by a committee composed of an equal number from both political parties and was intended to be non-partisan. It is, therefore, expected that the best men for the respective offices will be appointed without regard to politics. In my judgment the enforcement of the law would not improve the municipal service of the city of Ithaca."

MIDDLETOWN.

Hon. J. E. ISEMAN, Mayor of Middletown, reports: "That the Civil Service law of the State has not been brought to the attention of the citizens of Middletown. In my judgment it is very doubtful if the application of the Civil Service law would aid in promoting the efficiency of the service here. The number of appointments is small. So far, in our city government, the most efficient and competent appointees have been those not seeking the offices and frequently declining to make application for them when asked to do so."

LONG ISLAND CITY.

Hon. PATRICK J. GLEASON, Mayor of Long Island City, reports that, in his opinion, "Civil Service in large cities, such as New York and Brooklyn, is no doubt very desirable, but I don't think it will ever work to any advantage in a city as small as this."

ROSTER OF STATE EMPLOYEES.

The roster of employes in the Civil Service of the State, completed for the first time during the past year, and herewith transmitted, discloses a number of employes belonging to the classified schedules, who have been employed hitherto in violation of the Civil Service laws and regulations. This statement includes employes in the departments of the Bureau of Statistics of Labor, Regents of the University, Forest Commission, Agricultural Experiment Station at Geneva, Department of Public Buildings, State Board of Health, State Engineer and Surveyor, Willard Asylum, Utica Asylum, Middletown Asylum, Buffalo Asylum, Elmira Reformatory, House of

Refuge for Women at Hudson, Binghamton Asylum, Dairy Commission, State Asylum for Idiots at Syracuse, Custodial Asylum for Feeble-minded Women at Newark, New York Institution for the Blind, Soldiers and Sailors' Home, Board of Commissioners of Emigration, Emigrant Hospital, Ward's Island, Health Officer, Port of New York, Quarantine Commission, House of Refuge, Randall's Island, Auburn Prison, Onondaga Salt Springs, State Industrial School, Rochester, Institution for Deaf-Mutes at Malone, St. Mary's Institution for Deaf-Mutes, Buffalo, Institution for Deaf-Mutes New York city, the First, Fourth, Sixth, Ninth, Tenth and Eleventh District Courts, New York city, Court of Common Pleas, New York city, the City Court and Third District Court of Brooklyn.

Pursuant to instructions given by the Commission, the Chief Examiner has called the attention of all these departments and bureaus and asylums and other officials to the violations of the laws and regulations in their several offices, and in several of them steps have been promptly taken to bring their employés properly within the regulations.

In the office of the State Engineer and Surveyor, for example, all the employés are now properly classified. This has also been done substantially in the Willard Asylum, the Utica Asylum, Middletown Asylum, Buffalo Asylum, Elmira Reformatory, Binghamton Asylum, New York Institution for the Blind, Board of Commissioners of Emigration, and partially in several other departments.

It may be said, perhaps, in extenuation of these numerous omissions to comply with the Civil Service statutes, that they are attributable in some measure to the inferior grade of many of the employés, and to the difficulties inseparable from the introduction of new methods of administration throughout the various ramifications of the State service.

The Chief Examiner, Mr. Riley, and the Secretary, Mr. Angle, have been instructed by the Commission during the past year to do all in their power to correct these violations of the Civil Service rules, and some degree of success has already rewarded their diligent efforts.

In relation to these violations of the Civil Service regulations, the Commission respectfully suggests that their efforts to enforce proper compliance with the law in the State service would be very much aided if the Comptroller of the State, before paying the salaries of State employes, required the heads of departments to certify that the persons named in their pay-rolls, appointed since the Civil Service regulations were adopted, have been duly appointed in conformity with the requirements of those regulations.

This practice prevails in the city of New York, for example, where the Comptroller of the city refuses to draw his warrant for the payment of the salary of any official, unless the head of the department in which he is employed certifies that the appointment has been made in compliance with the provisions of the Civil Service regulations. This rule has greatly facilitated the execution of the Civil Service laws and regulations in that city.

TRANSFERS.

The appendix shows a number of applications made to the Commission during the year for changes to be made in the classifications under the several schedules. Among these will be found:

First. The application of the Attorney-General to place the position of his assistant in the city of New York in Schedule A, Class 1, Subdivision 2, of the State classification, which was granted, with the approval of the Governor.

Second. The application of the Court of Claims to transfer the Clerk of that Board to Schedule A, Class 1, Subdivision 2; and this Commission, with the approval of the Governor, directed, in view of the opinion of the Attorney-General, that such classification be made; and a similar order was made touching the status of the Stenographer of the Court of Claims, who was directed to be classified with the Stenographers of Courts.

Thurd. The employes of the Board of Electrical Control in the city of New York, in accordance with the opinion of

the Attorney-General, dated March 14, 1888 (see Appendix, page 271), were classified as follows:

In Schedule A — The Chief Engineer and the Assistant Secretary.

In Schedule B — The Electrical Expert, the Inspectors of Electrical Conductors, the Inspectors of Underground Construction, the Stenographer and Messenger.

Fourth. Upon the application of the Superintendent of State Prisons, and considering the confidential character of the employment in this case, the Commission, with the approval of the Governor, transferred the position of Messenger in the office of the Superintendent of State Prisons from Schedule B to Schedule C.

Fifth. Upon the application of the Excise Commissioners in the city of New York, three application clerks in the office of the Board of Excise of that city were classified in Schedule C of the State classification with the approval of the Governor.

Sixth. Upon the application of the Comptroller of the State, Hon. Edward Wemple, the following named positions in the office of the Comptroller, with the approval of the Governor, were transferred from Schedule B to Schedule C of the State classification, viz.: A Chief Clerk of Bureau of Canal affairs, Chief Tax Clerk and Land or (First Assistant) Tax Clerk; and the following named position, in the office of the Comptroller, was transferred from Schedule C to Schedule B, viz.: Stationery and Document Clerk.

Seventh. Likewise, upon the application of the Comptroller, and with the approval of the Governor, the positions of Tax Correspondent and Special Accountant, in the office of the Comptroller, were included in Class 2 of the classified service and enrolled in Schedule C.

Eighth. Upon the application of the Secretary of State, Hon. Frederick Cook, and with the approval of the Governor, the position of Assistant Corporation Examiner, in the office of the Secretary of State, was included in Class 2 of the classified service and enrolled in Schedule C.

Ninth. Upon the application of the State Factory Inspector, James Connolly, Esq., and with the approval of the

Governor, the position of Private Secretary to the State Factory Inspector was included in Schedule C of the State classification.

CITY REGULATIONS.

Requests have been made by the Mayors of New York, Brooklyn and Buffalo during the year, pursuant to law, for the approval of the Commission, in making certain modifications in the local regulations established in those cities, respectively. The action of this Board upon said applications appears in Appendix C, where the correspondence is published.

JUDICIAL DECISIONS.

Attention is respectfully invited to the adjudications of the courts and the opinions of the Attorney-General herewith transmitted, relating to the construction of the Civil Service statutes. Their publication among the appendices of this annual report will tend to elucidate the operations of the law and remove in some degree the difficulties hitherto encountered by the Commission in securing compliance with its regulations.

TAXPAYERS MAY ENFORCE COMPLIANCE WITH THE CIVIL SERVICE LAWS AND REGULATIONS.

The case of William F. Peck, a taxpayer, etc., plaintiff, against the city of Rochester and others, defendants, in the Supreme Court of Monroe county, is especially worthy of notice, as it affirms the right of a taxpayer in a city to maintain an action to enforce compliance with the Civil Service laws and regulations, in cases where municipal authorities neglect to obey them.

Judge Angle, in an elaborate opinion, holds that "under the provisions of section 8, chapter 354 of the Laws of 1883, as amended in 1884, it became the duty of the Mayor to cause to be arranged in classes the several clerks and persons employed in the public service in the city, and that no officer or clerk should be appointed, and no person should be admitted to or be promoted in either of said classes until he passed an examination as provided by said act."

Under this adjudication, it is competent for any taxpayer in any city included within the terms of these statutes,

where the authorities fail or neglect to comply with the Civil Service law, to compel them to obey its provisions by a proper application to the Supreme Court.

Attention is likewise invited to the case of Rogers against the Common Council of Buffalo, in the Supreme Court, decided by Judge Daniels. In that case an injunction was granted, restraining the defendant from paying the salary of a street and health inspector, for services alleged to have been rendered as a temporary appointee of the Street Commissioner. The injunction was issued upon the allegation, sustained by affidavit, that the employé had been appointed by the Street Commissioner to act as Health and Street Inspector in violation of the laws and regulations relating to the Civil Service of the city.

The action was brought under the authority of chapter 673 of the Laws of 1887, allowing taxpayers to prosecute actions in their names to prevent the misappropriation and misuse of public funds or public property.

Judge Daniels, after reviewing all the facts in the case and the laws applicable to them, holds "that the employé in question was subject to the rules and regulations of the Civil Service, and not having been appointed in compliance with the Civil Service statutes and regulations, was not entitled, under such authority, to be appointed or retained in the service of the city. That the appointment was illegal, and that the city authorities had no power or right to appropriate public moneys to the payment of service rendered in pursuance of an illegal appointment. The injunction was therefore continued during the pendency of the action."

SOLDIERS' RIGHTS.

The statutes giving a preference in public employments to honorably discharged soldiers and sailors in the Union army and navy, in the late war have received careful attention from this Commission, and the due enforcement of these laws has been the subject of special instructions to the Chief Examiner. It is gratifying to be able to state that in nearly all the departments of the public service, State and municipal, a commendable disposition is found to carry out these laws in accordance with the patriotic and generous feelings which prompted our Legislature in

enacting them. No more beneficent legislation can be found in the statute books of any country than the series of laws passed by the Legislature of New York, giving a preference in the public employments of the commonwealth to those who have defended her interest and honor on the field of battle.

These statutes of the State of New York are in harmony with the Federal legislation on the same subject, giving preference to honorably discharged soldiers and sailors in the civil employments of the United States government.

It is natural, perhaps, that this legislation should encounter, in some degree, the same hostility that has been met by the Civil Service administration itself; because any rule that limits and restricts the monopoly of public places, heretofore enjoyed by those who are conspicuous in the management of the political machinery of the State, is certain to provoke opposition from all who dissent from the maxim that the honors and emoluments of public employments belong to those who, by merit and public service have shown themselves entitled to preference.

It will be of interest to the veteran soldiers of the State, as well as the officials exercising the appointing power, to notice the case of *The People against Robert Wallace*, in Oyer and Terminer of Cayuga County, recently decided. In that case the defendant was indicted for a misdemeanor in refusing to prefer for appointment and employment an honorably discharged Union soldier who was entitled to such preference and employment by virtue of chapter 464 of the Laws of 1887.

The trial took place in the Court of Sessions at Auburn, on the 7th day of December, 1888, and resulted in a verdict of guilty. The following is an extract from the record furnished to the Commission by the clerk of the court:

<p>THE PEOPLE <i>against</i> ROBERT WALLACE.</p>
--

INDICTMENT for refusing to prefer for employment and appointment an honorably discharged Union soldier.

The defendant having been indicted for the crime above stated, in having, at the city of Auburn, in the county of Cayuga, on the 31st

of July, 1888, willfully neglected and refused to prefer for employment and appointment one William Ryan, an honorably discharged Union soldier, upon the street department of the city of Auburn, the said defendant being then and there street superintendent of the city of Auburn, and, as such superintendent, having charge of the streets of the city of Auburn; and having been arraigned upon such indictment, and, by the verdict of a jury, convicted of the crime as charged in the indictment, he is, by the court now sitting here, this 2d day of December, 1888, sentenced to pay a fine of \$100, and stand committed to the common jail of Cayuga county until paid, not exceeding 100 days.

In this relation, reference is made to a recent correspondence with the Civil Service Board of the city of New York, growing out of the case of Sergeant-Major William Mitchell, of the Fifth artillery (United States), an honorably discharged soldier employed by the Aqueduct Commissioners of New York as an inspector of masonry on the new aqueduct.

Sergeant-Major Mitchell was suspended without pay indefinitely, and it appeared upon investigation that other employes in like positions, not soldiers, had been retained in their employments.

A communication, dated September 14, 1888, addressed by Mitchell to the Chairman of the State Civil Service Board, was by him referred for a report to Mr. Lee Phillips, Secretary of the New York Civil Service Board. Mr. Phillips, in his reply, seemed to be under the impression that there was no restriction upon the power of appointing officers to suspend or remove honorably discharged soldiers holding public employments, and that the regulations of the New York City Civil Service left that power unrestricted, in the language of regulation No. 57 of the New York State Civil Service, which provides: "That the power of any officer to remove is not impaired by anything contained in these regulations."

The papers in this case were returned to the New York City Civil Service Board for a further report upon the facts of the case, and the attention of the board was invited to chapter 119 of the Laws of 1888, which prohibits the removal of honorably discharged soldiers holding public employ-

ments, except for cause shown after a hearing; and it was intimated by the Chairman of the State Board that if Mitchell had been suspended indefinitely without pay and without cause shown after a hearing, that this would seem to be a removal in violation of law.

The papers were returned by Mr. Phillips, the executive officer of the New York City Civil Service Board, under date of January 7, 1889, inclosing a communication from General J. C. Duane, President of the Board of Aqueduct Commissioners, from which it appears that the matter was referred to the Corporation Counsel of New York for an opinion thereon, and that he had advised the Commissioners, under date of December 31, 1888, that the case of Mitchell fell within the class of persons contemplated by the statute (chapter 119 of the Laws of 1888), and that such persons being honorably discharged soldiers, sailors or marines, having served as such in the Union army and navy during the war of the rebellion, can be removed from their positions only upon charges for cause shown after a hearing had, except that when removal is made solely upon the ground that there is no work for them to do, no charges or hearing will be necessary. But that, in cases where a reduction of the force becomes necessary by reason of the diminution of work which they have been appointed to do, and are qualified to perform, honorably discharged soldiers (veterans) are entitled to preference in their retention on the work over those inspectors who are not veterans. Segeant-Major Mitchell was, therefore, in accordance with such opinion, reinstated, and his salary allowed the same as if no suspension had taken place.

As this case may have importance as a precedent (under chapter 119 of the Laws of 1888), the correspondence is herewith given in full:

56 WHITEHALL STREET, NEW YORK CITY, }
NEW YORK, *December 14, 1888.* }

General DANIEL E. SICKLES, *President of the New York State Civil Service Board, New York city, N. Y.:*

GENERAL — I have the honor to submit the following statement for your official consideration and action. I am a Veteran Soldier

of the Union Army, having served as 1st Sergeant of Battery "D" 4th New York Artillery, from February 1858, to February, 1863, and as Sergeant-Major of the 5th United States Artillery, from August, 1863, to September, 1866.

On the 23d day of August, 1888, I was examined by the Civil Service Board in New York city for a position as Inspector of Masonry on the new Aqueduct. "I am a mason by trade." On the 26th day of September, 1888, I was appointed Inspector by the Aqueduct Commissioners, and so continued until the 10th of December, 1888, when I was officially notified that I was suspended without pay until further notice. At shaft 11 "A," where I was employed (7) Inspectors were retained, (5) of which Inspectors I know are not Union Veterans.

I have made a written application to General James C. Duane, President of the Aqueduct Commission, that I be reinstated as Inspector, and I now place this matter before you for your official action.

My record as Inspector has been good, and was not the cause of my suspension.

I am, General, Very Respectfully,

WILLIAM MITCHELL.

[Indorsed.]

NEW YORK, *December 15, 1888.*

William Mitchell asks for information as to the claims of veterans to be retained in active employment in preference to civilians, under the law, in the service of the Aqueduct Commission.

NEW YORK, *December 15, 1888.*

Respectfully referred to Lee Phillips, Secretary New York Supervisory Board.

D. E. SICKLES,

Ch. N. Y. S. C. S. C.

NEW YORK CITY CIVIL SERVICE BOARDS,

COOPER UNION, NEW YORK, *Dec. 22, 1888.* }

General DANIEL E. SICKLES,

Chairman N. Y. State Civil Service Commission :

DEAR GENERAL.—I have the honor to acknowledge the receipt of a letter from one William Mitchell, addressed to you under date of the fourteenth inst., and referred to me for my opinion upon

the questions contained therein. In reply, I beg to say, that while the Civil Service statutes, under which we act, provide for appointment to public positions, and for the preference of honorably discharged veterans of the late war, for such appointment, I think they do not place any restriction upon the power of appointing officers to suspend or remove the incumbents of such positions. Neither do our regulations attempt to interfere in any way with that power. Our regulation No. 57, provides that "The power of any officer to remove is not impaired by anything contained in these regulations."

I believe, however, that the so-called Saxton bill, passed last year, forbids the dismissal of veterans except upon charges and a trial, etc., but I have not seen the provisions of that act. I notice that Mr. Mitchell states that he was suspended, without pay, until further notice, and, therefore, his case may not fall within the purview of the act mentioned. I return the letter of Mr. Mitchell, and remain

Very respectfully yours.

LEE PHILLIPS,
Secretary and Executive Officer.

No. 23 FIFTH AVE., N. Y. CITY, }
December 24, 1888.

Respectfully returned to the New York Civil Service Board. The reference of Sergeant Mitchell's communication was made to learn the facts, to wit: Whether or not the statements in the letter are accurately given.

Attention is invited to inclosed copy of chapter 119 of Laws of 1888, which prohibits removal of soldiers except for cause shown after a hearing. If Mitchell has been suspended indefinitely without pay, and without cause shown after a hearing, this would seem to be a removal in violation of law. This case may be important as a precedent.

D. E. SICKLES,
Chairman State Civil Service Board.

CHAPTER 119.

AN ACT relating to employés of the various cities and counties of the State.

APPROVED by the Governor April 10, 1888. Passed: three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person holding a position by appointment in any city or county of this State, receiving a salary from such city or county (unless he has been appointed for a definite term), who is an honorably discharged soldier, sailor or marine, having served as such in the Union army or navy during the war of the rebellion, shall be removed from such position, except for cause shown after a hearing had. But this provision should not be construed to apply to the position of private secretary or chief clerk or deputy of any official or department, or any other person holding a confidential relation to the appointing officer.

§ 2. All laws or parts of laws inconsistent with the provisions of this law are hereby repealed.

§ 3. This act shall take effect immediately.

NEW YORK CITY CIVIL SERVICE BOARDS, }
COOPER UNION, NEW YORK, *January 7, 1889.* }

General DANIEL E. SICKLES,

Chairman of the State Civil Service Commission:

DEAR SIR.—I have the honor to transmit herewith a copy of a letter this day received from General James C. Duane, President of the Aqueduct Commission, in reference to the case of William Mitchell, an Inspector of Masonry in said Commission, who was a veteran of the late war. I return herewith the correspondence referred to me under date of December twenty-fourth, and thanking you for the copy of the Laws of 1888, chapter 119, I remain,

Very respectfully yours.

LEE PHILLIPS,
Secretary and Executive Officer.

AQUEDUCT COMMISSIONERS' OFFICE, STEWART BUILDING,
280 BROADWAY, NEW YORK, *January 5, 1889.* }

LEE PHILLIPS, Esq.,

Secretary and Executive Officer Civil Service Commission:

DEAR SIR—Replying to your favor of the fourth inst., asking for the facts concerning the examination, employment and suspension from duty of one William Mitchell, as an Inspector of Masonry, by the Aqueduct Commissioners, I would say that said Mitchell was appointed an Inspector of Masonry on September 26, 1888, and on the tenth day of December following he was suspended, together with a number of others, without pay, owing to the lack of work.

The rules of the Aqueduct Commissioners authorize the different Division Engineers to suspend such Inspectors as they may deem advisable as the work nears completion, and the action of the Division Engineers is approved by the Chief Engineer and the Aqueduct Commissioners.

Since Mr. Mitchell's suspension the question has been raised that he is an honorably discharged soldier, and, therefore, entitled to preference in the matter of retention on the work, and the matter having been referred to the Corporation Counsel for an opinion thereon, he has advised the Commissioners, under date of December thirty-one, that Inspectors of Masonry fall within the class of persons contemplated by the statute (chapter 119 of the Laws of 1888); and that such of the inspectors as are honorably discharged soldiers, sailors or marines, having served as such in the Union army or navy during the war of the rebellion, can be removed from their positions only upon charges for cause shown after a hearing had, except that when removal is made solely upon the ground that there is no work for them to do, no charges or hearing will be necessary; and that in cases where a reduction of the force becomes necessary, by reason of the diminution of the work which they have been appointed to do, and are qualified to perform, honorably discharged veterans are entitled to preference in their retention on the work over those inspectors who are not veterans.

Mr. Mitchell has, therefor, in accordance with such opinion, been reinstated, and will be allowed salary the same as if no suspension had taken place.

Very respectfully yours.

(Signed,)

J. C. DUANE,

President.

DEPARTMENT OF PUBLIC WORKS.

The decision of the Court of Appeals in the case of *The People ex rel. Killeen against Angle, Secretary, and John Jay and Henry A. Richmond*, comprising the New York Civil Service Commission, relieves this Commission from all responsibility hereafter with reference to employés in the State Department of Public Works, the Court of Appeals holding that "article 5, section 3 of the State Constitution gives the Superintendent of Public Works the exclusive authority in making all appointments of persons employed in the care and management of the canals."

OPINIONS OF ATTORNEY-GENERAL.

Attention is also invited to several opinions given by the Attorney-General, Hon. Charles F. Tabor, in compliance with the request of the Commission, relating to compensation of examiners under the Civil Service Commission, the jurisdiction over the Board of Electrical Control in the city of New York and the proper construction of the statutes giving a preference to honorably discharged soldiers to appointments in office.

CLASSIFICATION OF THE STATE SERVICE.

The classification of the State service seems susceptible of improvement. It is believed that if each department had its own eligible list, containing the names of only those who have proved, by a thoroughly practical examination, their competency for appointment in such department, the disposition to favor non-competitive examinations would be much diminished.

Application by the heads of departments for non-competitive examinations are frequent, and their number increases. Upon this subject of non-competitive examination the President of the United States has recently said: "It has occurred to me that this provision must be executed with caution, to avoid the application of it to cases not intended, and the undue relaxation of the general purposes and restrictions of the Civil Service law. Non-competitive examinations are the exceptions to the plan of the act, and the rules permitting the same should be strictly

construed. The sole purpose of the provision is to benefit the public service, and it should not be permitted to operate as an evasion of the main feature of the law, which is competitive examination."

In his message of 1886, Governor Hill expresses himself as follows on this subject: "Open competition rests on the solid basis of equal rights and fair play, and is a principle so thoroughly democratic in its character, so completely in harmony with the theory of our institutions and the spirit of our people, that this method would seem to commend itself to universal approval. When merit alone, ascertained by fair competition, is recognized as the ground of appointment and promotion, the equity and propriety of the mode are self-evident and require no defense."

In a previous report of this Commission it is stated: "The standard of qualifications and fitness of those selected by competition has, in nearly all instances, been higher than the non-competitive selection." It is now, however, too often said, by the heads of departments, "There is not a man on the eligible list of whom I know anything, and while he may have the ability to fill an ordinary clerkship, I am afraid there is not one on the list competent for the work I require to be done. My work needs peculiar qualifications for the position, or else the service of the clerk will be of no value to me; it is not a general clerk I am seeking, such as the classified list is made up of; I want a clerk who, when he is assigned to his desk, can promptly proceed with the work before him, and understand what he is about."

On these grounds non-competitive examinations are urged, and not infrequently the arguments presented are plausible enough to influence favorable action on the application of the appointing officer.

Again, an eligible list like the present, embracing all the departments, must, of course, be a long list, containing hundreds of names; resignations and removals being infrequent, only a small portion of the names on a general eligible list can be reached during the period limited for its existence. The result is that the greater proportion of those who pass competitive examinations, after waiting a

long time to be certified for appointment, are in the end altogether dissatisfied, because they have not been reached. And although this inconvenience might still exist, when separate and special lists are provided for, it would then be practicable and useful to limit the number of examinations for each eligible list approximately to the number of places in each department likely to become vacant. In other words, there would be a direct relation between the requirements of a given office to the supply of eligibles on its list.

Clerical duties in the office of the Comptroller and Treasurer are essentially different from the clerical functions performed in those of the office of Secretary of State and State Engineer and Surveyor; and the same observation is equally applicable to the clerical duties performed in the Bank Department, in the office of the Attorney-General or in the Bureau of the Dairy Commissioner. The present eligible list is drawn from to supply vacancies in all of these and other public offices.

In view of the multiplied demands upon a single eligible list, covering all the departments of the State government, the examination of candidates must necessarily take a very wide range to ascertain the fitness of candidates for a position in any department; but if each department had its own separate eligible list, in each one of the grades, it would be practicable and convenient to confine the examination directly to such tests as would show clearly the qualifications of the applicant for the particular duties in which he desires to be employed.

It may be urged as an objection that so many eligible lists would require the service of an increased number of boards of examiners, thereby incurring larger expenditures of money. To this it may be replied that in the organization of examining boards under the modified system now suggested, it is proposed that the respective boards of examiners shall consist of the Chief Examiner and the principal deputy in each department, and a citizen not holding office, so that no additional expense will be incurred except for the compensation of one member of each board, which would be inconsiderable in amount.

The Commission, after giving the subject much care and attention, are, therefore, prepared to recommend that it would be a step in the right direction to have distinctive examinations and separate eligible lists for positions in the principal departments of the State government, embracing the departments of Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor, Bank Department, Insurance Department and Dairy Commissioner. It has always been the desire of the Commission to do all in its power to gratify the reasonable requests of the heads of departments in the State government, and it is believed that the arrangement now suggested, providing each department with a special eligible list, would be acceptable to the principal officials of the State, and otherwise advantageous to the public service.

COMPENSATION OF EXAMINERS.

The compensation of examiners is a subject that has occupied the attention of the Commission. It is true that these appointments are essentially honorary, and it is desirable that they should remain so; nevertheless, the duties are sometimes more burdensome than should be imposed without reasonable compensation. At present, no person holding an office, who is a member of an Examining Board, can receive any compensation whatever for the duties performed under the Civil Service Act as a member of the board. Take for example the case of Inspector Byrnes, chief of the detective force, employed in the city of New York. He is a member of the Board of Examiners for candidates for the police. His duties, incident to his office as chief of the detective force, leave him but little leisure for rest or recreation, and yet he is expected to devote a considerable share of his time and much labor to the examination of candidates for the Police Department, for which his large experience, ability and aptitude render him really indispensable. These additional duties were not all taken into consideration when the salary of his office was fixed. He has discharged them for years, therefore, really without compensation. These observations might be applied in several other instances that could be named, and it is hoped

that provision may be made enabling this Commission or the local Commissions in the cities of New York and Brooklyn and other localities, to make proper compensation for the service of examiners where their duties seem to require it.

There can be no doubt that the benefits derived from the Civil Service administration in this State would justify more liberal appropriations in the execution of these statutes and regulations. A moderate estimate of the improved service since the Civil Service Act went into effect in 1884, would place the improvement at five per cent on the amount of salaries paid ; that is to say, the higher rate of intelligence, the keener sense of responsibility in the discharge of duties, the sense of independence growing out of the exemption from the risks of removal for partisan motives, the increased respectability in a public service governed only by ascertained qualifications and fitness, have all tended to elevate public employments and bring into them a superior class of candidates, who are more competent for their duties than those who filled the like employments under the system of appointment prevailing before the Civil Service statutes went into effect.

It would seem, therefore, reasonable to estimate the improvements thus indicated at not less than five per cent of the aggregate salaries paid. And computing these salaries in the State and municipal service at twelve millions per annum, the public benefits derived from the reform system, estimated in money only, are equal to six hundred thousand dollars a year, whilst it is quite certain that the annual cost of the Civil Service administration in the State of New York, State and municipal, is less than one hundred thousand dollars, that is to say, less than one per cent on the amount expended in salaries. It is believed, therefore, that an additional appropriation of ten thousand dollars per annum might well be made to provide suitable compensation for the services of competent examiners and other necessary disbursements of Boards of Examiners.

The Commission now holds stated meetings on the first and third Thursdays of each month. Special meetings are called whenever matters of importance require immediate attention.

RECAPITULATION.

There is abundant testimony showing the benefits derived by the public service from the operation of the Civil Service statutes and regulations. This testimony comes from the several departments of the State government; from the mayors of the principal cities of the State and the municipal authorities; from the Civil Service Commissioners in the larger cities; from the Examining Boards; from the press, and from intelligent observers who have compared our present civil administration with that of former years, prior to 1885.

Perhaps no more conspicuous example of improvement could be pointed out than is furnished in the admirable conduct of the police force of the city of New York, during the recent disturbances incident to the great strike of the employés of the street railways. A large proportion of the officers and men enrolled in the New York police have been appointed under the system of competitive examinations established in 1884 and 1885. The discipline, fortitude and efficiency displayed under circumstances demanding intelligence, endurance and courage, have received the highest commendation from our own citizens interested in the preservation of order and the due execution of the laws, and this praise has been echoed far and wide from all quarters.

The same satisfactory results are shown in the Fire Departments of the cities where Civil Service regulations are enforced; in the municipal departments of public works; in the asylums and prisons and penitentiaries; and generally wherever the system of competitive examination has been fairly tried in the selections for public employments.

In this relation we may cite the testimony of Lee Phillips, Esq., Secretary and Executive Officer of the New York Civil Service Board, who states: "I have compared the results of examinations of candidates for the Municipal Police Force, and I find that, during the past year, there has been an improvement in the physical condition of the applicants examined of eleven per cent; and, in the results of the written examinations, an improvement of about six per cent. This comparison is made between examinations

made early in 1888 and those held within the last few weeks. I have also compared the papers of candidates examined for clerkships in 1886 with those examined in 1888, and find an improvement of one per cent on the general average of the results, while the standing of the examination has certainly been raised to some extent." And Mr. Phillips adds, in conclusion: "There can be no doubt of a marked improvement in the *personnel* of the city's employés, not only as compared with any given period before the Civil Service rules went into effect, but during the five years of their operation as well."

Edward M. Shepard, Esq., Chairman of the Civil Service Commissioners of Brooklyn, states: "It is the clear opinion of the Mayor, the Civil Service Commissioners, and, it is believed, of the heads of most of the Brooklyn Departments, that the municipal service has been greatly improved by the system of competitive examination now used in Brooklyn." This conclusion is based, Mr. Shepard adds, on the "opinion of very many officers, some now in office, and others who have heretofore been in office, and the opinions of citizens who have observed the condition of the service before and since the reform was initiated."

The Comptroller of the city of New York, Hon. Theodore W. Myers, states: "In my opinion the public service is benefited by requiring employés to pass examinations under the Civil Service rules and regulations, but I can not estimate the improvement in the service by any scale of percentage; I can only say that I consider it decidedly advantageous in securing with greater certainty employés fitted for the duties they are required to perform."

The approximate total amount paid annually by the cities of New York and Brooklyn, in salaries to employés appointed under Civil Service rules, is \$10,452,733.67; of this sum, \$8,143,733.67 is paid by the city of New York; \$2,309,000 is paid by Brooklyn.

If we venture to estimate the improvement in the public service in these two cities, obtained under the reform system, at only five per cent, we find that the gain is equivalent to more than half a million of dollars per annum in the value of the service rendered. It would be difficult,

of course, to estimate in this way the advantages derived from the more elevated character and increased respectability of a class of public servants chosen after a careful scrutiny of their qualifications and fitness for public employment; nevertheless every citizen can appreciate, in his own way, the greater satisfaction and confidence afforded by a system which provides fresh guarantees of efficiency and fidelity in the Civil Service.

It will be seen that during the past year the reform in our Civil Service has made steady and sure progress, as it has done ever since it was begun in 1884. Inaugurated under the administration of Gov. Cleveland, it has been cordially sustained under the successive administrations of Gov. Hill. In popular phraseology, the reform "has come to stay."

In this State, competitive examinations are made practical tests of the fitness of candidates for employment, and the examinations are strictly confined to such requirements as a prudent man of business would demand in his own establishment. The supposition, in some quarters, that the standard of qualifications is too exacting, calling for attainments beyond the needs of the public service, has no substantial foundation. We have firmly adhered to the provisions of our law which prescribe that "examinations shall be practical in their character," and that they shall only "relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of that service into which they seek to be appointed."

The reports received from the municipal authorities of our principal cities show a strong preponderance of opinion in favor of the advantages obtained by the system of competitive examinations; and it is believed that the tendency should be to enlarge the classifications embracing competitive examinations, and to diminish those for which non-competitive or "pass" examinations are allowed. It is likewise desirable that the standard of qualifications in non-competitive examinations shall be raised and that the reports made of this class of examinations shall be recorded as fully as those of the competitive class. In other words,

the public has a right to expect that the records of the Civil Service department shall contain evidence of the qualifications and fitness of all employes who are subject to our regulations, and have been appointed under them.

The adjudications of the courts during the past year relating to the Civil Service statutes, which will be found in the Appendix, will facilitate the execution of the law, and remove some of the obstacles heretofore interposed by those who had misapprehended its provisions.

Referring to the means available to enforce the due execution of the Civil Service statutes and regulations, it is perhaps to be regretted that no defined penalties have been provided as a punishment for their violation, and it is worthy of consideration on the part of the Legislature, whether it would not be wise to aid the Commission in the discharge of their duties by an amendment of the laws in this particular.

So far as relates to the administration of the law in cities, chapter 673 of the Laws of 1887, which enables any taxpayer to apply to the courts for an order or judgment directing compliance with the Civil Service statutes and regulations, and preventing the payment of salaries out of the public moneys to any person or persons not so appointed, affords an adequate remedy for the prevention of many of the violations of the law which still exist in a few of the municipalities.

The publication of a complete roster of all the employes of the State, indicating those who are subject to Civil Service regulations, will tend to diminish the considerable number of appointments which have been heretofore made, often inadvertently, in violation of the statutes applicable to them.

The introduction of separate eligible lists for particular departments, wherever practicable, will tend to confine examinations more than ever to the peculiar requirements of each branch of the public service, render them still more practical in their character, and furnish to the several departments employes precisely suited to the work to be done in them.

The statutes giving preference to honorably discharged soldiers and sailors, when found to be qualified for employment, have received the careful attention of this Board; and every case reported to us, in which the just rights of soldiers and sailors have been denied to them, has been promptly brought to notice of the proper authority, and justice done.

The employés of the Legislative Department of the State government have not heretofore been classified under the Civil Service rules, and it is respectfully suggested that this is now a proper subject for consideration and action. There is no branch of the public service in which it is more important to secure intelligent and trustworthy officials. They are directly concerned in the transaction of business in the Senate and Assembly. Upon the accuracy and care with which their work is done, important public and private interests depend. The Civil Service statutes include all departments of the State government. The undersigned are not informed of the reasons for omitting the Legislative employés from the classification heretofore made. In view, however, of the satisfactory results obtained in the Executive and Judicial departments, it is respectfully submitted that it would be desirable to carry out the law, as was obviously contemplated, so as to make its application comprehensive and general.

D. E. SICKLES.

JAMES H. MANNING.

GEO. H. TREADWELL.

APPENDICES.

APPENDIX A.

Chief Examiner's Report.

APPENDIX B.

Lists of Examiners.

Lists of Appointments.

Lists of Removals.

Lists of Promotions.

Lists of Violations and Corrections.

Statistical Summary of Persons Admitted to Competitive
Examinations.

Statistical Tables of State Employés.

Statistical Tables of City Employés,

APPENDIX C.

Correspondence.

APPENDIX D.

Decisions and Opinions.

APPENDIX E.

Changes in Classification.

APPENDIX F.

Roster of State Employés.

APPENDIX G.

Civil Service Statutes, Rules, Regulations, etc., as amended.

APPENDIX A.

CHIEF EXAMINER'S REPORT.

APPENDIX A.

CHIEF EXAMINER'S REPORT.

STATE OF NEW YORK :

OFFICE OF CIVIL SERVICE COMMISSION, }
ALBANY, N. Y., January 1, 1889. }

Hon. DANIEL E. SICKLES,

President New York Civil Service Commission :

SIR.—I have the honor to submit the following report concerning examinations held under direction of the Commission during the year:

COMPETITIVE EXAMINATIONS.

COURT INTERPRETERS.

A special examination for interpreters for the courts in New York and Brooklyn became necessary early in the year and such examination was held in New York on February fourteenth. Five candidates appeared, all of whom passed. This list was soon exhausted and another examination was held in New York April twenty-fifth. Eight candidates appeared, five of whom successfully passed the examination.

The results of these examinations are shown in detail in the following tables :

Results of Examination at New York, February 14, 1888, for Interpreters.

Number appearing.	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.		
			Number.	Highest mark.	Lowest mark.
4	German to English.....	4	4	95	60
5	English to German.....	8	5	80	50
4	French to English.....	.....	4	95	80
2	French testimony .....	.....	2	75	70
5	Penmanship .....	.....	5	90	70
6	Arithmetic .....	.....	5	100	70
1	Italian testimony.....	.....	1	90	
1	English to Italian .....	.....	1	90	
2	Italian to English .....	.....	2	95	90
1	Swedish to English.....	.....	2	95	90
1	Spanish to English.....	.....	1	80	
2	German testimony .....	.....	2	90	80
3	Geography and history .....	.....	3	80	75

ELIGIBLE.	No.	Highest average.	Lowest average.
Interpreters.....	5	87.14	70

Result of Examination at New York, April 25, 1888, for Interpreters.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
8	Dictation.....	3	8	88	50	.....
8	Handwriting.....	3	8	88	80	.....
8	Spelling.....	2	7	98	50	1
8	German testimony	4	8	98	60	.....
1	Swedish to English.....	4	1	88	.....	.....
1	English to Swedish.....	4	1	98	.....	.....
1	English to Norwegian.....	4	1	100	.....	.....
1	Norwegian to English.....	4	1	98	.....	.....
3	English to French.....	4	3	80	50	.....
3	French to English.....	4	3	70	50	.....
1	English to Holland.....	4	1	100	.....	.....

ELIGIBLE.	No.	Highest average.	Lowest average.
Interpreters	5	94.06	73.50

COURT JANITORS.

Special examinations for court janitors, in New York and Brooklyn, were held in New York, February fourteenth and April twenty-fifth, in connection with the examinations for court interpreters.

The following tables show the general results of these examinations:

Result of Examination at New York, February 14, 1888, for Janitors.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
6	Dictation	3	5	85	65	1
6	Writing.....	3	5	80	68	1
6	Spelling.....	1	2	80	68	2
6	Arithmetic.....	2	4	100	88	2
6	Execution of directions	2	5	100	60	1

ELIGIBLE.	No.	Highest average.	Lowest average.
Janitors.....	4	89	70

Result of Examination at New York, April 25, 1888, for Janitors.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
10	Dictation.....	10	10	100	88	.....
10	Handwriting.....	10	10	98	88	.....
10	General information.....	10	10	98	88	.....
10	Verbal order.....	10	10	98	80	.....

	ELIGIBLE.	No.	Highest average.	Lowest average.
Janitors		10	94	74

STENOGRAPHERS AND TYPEWRITERS.

Although as a result of the last examination for clerical positions an eligible list, containing a large number of names, was prepared, yet none of the persons on such list had successfully passed an examination in stenography. To meet this demand a special examination was ordered. Nine candidates appeared, six of whom successfully passed the examination, four of whom have since received appointments.

The result of this examination is shown in the following table:

Result of Examination at Albany, April 17, 1888, for Stenographers and Typewriters.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
9	Stenography	5	6	98	80	3
9	Dictation	3	7	100	75	2
9	Handwriting.....	4	7	90	75	2
9	Spelling	2	8	98	70	1
9	Typewriting	4	7	100	88	2
9	Arithmetic	2	7	100	80	2

	ELIGIBLE.	No.	Highest average.	Lowest average.
Stenographers and typewriters.....		6	94	70.50

PRISON OFFICERS.

Heretofore but one eligible list for all prison officers was prepared. As the several State prisons are located at widely separate places, it often happened that men who resided in the vicinity of one prison were appointed to positions at one of the other prisons. This caused

appointees unnecessary traveling expenses and the prison authorities were also embarrassed by frequent applications for leave of absence in consequence of their work being distant from their homes. After the last annual examination, by direction of the Commission a separate eligible list was prepared for each prison, and the result, so far as I have been able to learn, has been satisfactory both to the men appointed and to the several wardens. I conducted the examination for prison officers in person and was assisted by the warden and principal keeper at each prison. Each candidate was examined orally, separately, and such questions were asked as would test the individual's character and special qualifications for this particular work. In marking the candidates the result of this oral examination was given greater weight than the marking in any subject in which candidates were required to write out the answers to printed questions. Each candidate's standing in the oral examination was determined and agreed upon at the time. Heretofore the answers to the questions put in the oral examination were taken by a stenographer, and after being written out, were marked by a board of prison experts. As the board had no opportunity to observe the manner of answering and the peculiarities of the individual, it served no purpose that might not be obtained by printed questions.

The prison officers express themselves as being much pleased with the opportunity to judge of the character of candidates and to also have the opportunity of, in a measure, determining whether or not any particular candidate should be so graded as to give him a place on the eligible list and thus make his appointment possible.

The result of the several examinations for prison officers is shown in the following tables:

Result of Examination at Dannemora, May 18, 1888, for Guards or Keepers at Clinton State Prison.

Number appearing	SUBJECTS.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
		Number.	Highest mark.	Lowest mark.	
33	Verbal order	32	95	50	1
33	Observation exercises.....	33	95	60	
33	Arithmetic.....	30	100	50	3
33	Dictation.....	32	100	60	1
33	Handwriting.....	32	90	60	1
33	Spelling.....	32	95	50	1
33	Oral examination.....	32	100	65	1

ELIGIBLE.	No.	Highest average.	Lowest average.
Guards or keepers.....	28	91.07	70

Result of Examination at Sing Sing, May 31, 1888, for Guards at the Sing Sing State Prison.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
17	Dictation	1	17	95	50	1
17	Handwriting	1	17	85	50	
17	Spelling.....	1	17	100	50	
17	Arithmetic.	1	18	100	50	
17	Verbal order.....	1	17	100	50	
17	Observation exercises.....	1	17	95	50	
17	Oral exercises.....	4	17	100	50	

	ELIGIBLE.	No.	Highest average.	Lowest average.
Guards		15	90	74.50

Result of Examination at Auburn, July 11, 1888, for Guards at the Auburn State Prison.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
44	Dictation	3	42	95	50	2
44	Handwriting	1	44	95	50	.....
44	Spelling	1	41	100	50	3
44	Verbal order	1	42	95	50	2
44	Arithmetic	1	42	100	50	2
44	Oral examination ...	4	48	90	50	1

	ELIGIBLE.	No.	Highest average.	Lowest average.
Guards		31	90.50	72

BOARD OF ELECTRICAL CONTROL.

In February last, candidates for appointment to subordinate positions under the board of electrical control in the city of New York filed applications for examination with the Commission.

As the examinations of candidates for such positions had, prior to that time, been held under the direction of the civil service advisory board of the city of New York, the question as to whether or not the employés of this board were State employés was submitted to the Attorney-General, who, in an opinion rendered March fourteenth last,

held that "the commissioners referred to are State officers in the sense that they are the agents of the State rather than of the city of New York." The employés were accordingly classified and an examination of candidates for the various positions was held in New York May twenty-second.

Ten candidates for the position of electrical expert appeared at the examination, three of whom were found qualified.

Thirteen candidates competed for the position of inspector of underground construction, five of whom reached the standard required.

Nineteen candidates entered the examination for inspector of electrical conductors, thirteen of whom were found qualified.

The results of these several examinations are shown in the following tables:

Result of Examination at New York, May 22, 1888, for Position of Electrical Experts.

NUMBER APPEARING.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
	Number.	Highest mark.	Lowest mark.	
Ten	6	88.50	56.20	4

ELIGIBLE.	No.	Highest average.	Lowest average.
Electrical experts	3	88.50	76

Result of Examination at New York, May 22, 1888, for Inspectors of Underground Construction.

NUMBER APPEARING.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
	Number.	Highest mark.	Lowest mark.	
Thirteen	6	93	83	7

ELIGIBLE.	No.	Highest average.	Lowest average.
Inspectors of underground construction	5	93	70

Result of Examination at New York, May 22, 1888, for Position of Inspectors of Electrical Conductors.

NUMBER APPEARING.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
	Number.	Highest mark.	Lowest mark.	
Nineteen.....	13	95	70	6

ELIGIBLE.	No.	Highest average.	Lowest average.
Inspectors of electrical conductors.....	13	95	70

CLERKS IN THE OFFICE OF THE COMMISSIONERS OF EMIGRATION.

On January 30, 1888, the Commissioners of Emigration made a request for a clerk who could speak the German language, and also one who could speak the Italian and French languages. As no person on the regular eligible list of clerks was conversant with these languages, a provisional examination was held February second. Ferdinand Dryer and Malcolm Douglas were given certificates of qualification for such positions.

On February twenty-third a request was made for a clerk who could speak the German and Polish languages, and another provisional examination became necessary and was held March ninth. Charles Sempsey was awarded a certificate of qualification.

In consequence of these repeated requests for clerks having knowledge of foreign languages, a special competitive examination for clerkships at Castle Garden was held in New York on May twenty-second. Twenty-nine candidates appeared, seventeen of whom successfully passed the examination.

The following table shows in detail the result of this examination :
Result of Examination at New York, May 22, 1888, for Clerks, Castle Garden.

Number appearing	SUBJECTS.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
		Number.	Highest mark.	Lowest mark.	
29	Dictation	24	100	70	5
29	Handwriting	25	95	65	4
29	Spelling	25	100	65	4
29	Arithmetic	5	100	55	24
29	Geography	13	100	50	16

Result of Examination at New York — (Continued).

		REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
		Number.	Highest mark.	Lowest mark.	
29	.....	18	100	80	13
9	.....	8	90	70	3
9	.....	7	95	70	3
16	.....	13	95	70	3
16	.....	12	95	80	3
2	.....	2	95	75	..
1	.....	1	90	..	..
3	d Flemish.....	3	95	80	..
1	in.....	1	80	..	..
4	.....	4	90	75	..
2	.....	2	95	70	..
3	.....	3	90	80	..
2	.....	2	75	75	..
1	.....	1	90	..	..
2	sh.....	2	85	75	..

	ELIGIBLE.	No.	Highest average.	Lowest average.
Clerks		17	97.85	70

ELMIRA REFORMATORY GUARDS.

Thirty-eight candidates presented themselves for examination on June thirteenth. I was assisted in the oral examination by the superintendent. The examination was conducted upon the plan outlined in report on the examination of prison officers, the scope of the examination and method of marking being similar.

The following tabulated statement shows the general results of the examination :

Result of Examination at Elmira, June 13, 1888, for Guards at the Elmira Reformatory.

Number appearing	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
38	Oral examination.....	4	38	100	55	..
38	Dictation	1	38	95	55	..
38	Handwriting	1	38	95	55	..
38	Spelling.....	1	38	95	55	..
38	Arithmetic	1	34	100	55	4
38	Verbal order.....	1	38	75	55	..

	ELIGIBLE.	No.	Highest average.	Lowest average.
Guards		25	92.22	70.27

FIRST, SECOND AND THIRD GRADE CLERKS AND MESSENGERS.

The annual examination for clerkships and messengers was held November twenty-seventh.

Eighty-five candidates for clerkships entered the examination, sixty of whom passed. Eight candidates for the position of messenger appeared, seven of whom passed. The examination was held on the same day, at the following places: Albany, New York, Buffalo, Syracuse, Elmira and Plattsburgh.

The papers were marked by the General Board of Examiners at Albany.

Results of General Examination held November 27, 1888, for First, Second and Third Grade Clerks, and Messengers.

Number appearing.	SUBJECTS.	Weight given to subject.	REACHED FIFTY PER CENT OR OVER.			Failed to reach fifty per cent.
			Number.	Highest mark.	Lowest mark.	
FIRST AND SECOND GRADE CLERKS.						
47	Dictation	1	47	100	70	....
47	Spelling	1	47	100	60	....
47	Handwriting	3	47	90	50	....
47	Copying	2	44	98	50	3
47	Arithmetic	2	38	100	50	9
47	Geography	1	45	100	50	2
THIRD GRADE CLERKS.						
38	Dictation	3	38	100	70	....
38	Spelling	3	38	100	81	....
38	Handwriting	3	38	90	50	....
38	Copying	2	38	100	50	....
38	Arithmetic	4	34	100	50	4
38	Geography	1	36	95	50	2
38	History	1	35	100	50	3
38	Constitution	1	34	100	50	4
38	Summary	2	37	95	50	1
MESSENGERS.						
8	Dictation	2	8	100	70	....
8	Handwriting	3	8	80	50	....
8	Spelling	1	8	98	50	....
8	Memorizing verbal order.....	2	8	95	50	....
8	Arithmetic	2	8	100	60	....
			No.	Highest average.	Lowest average.	
Eligible (first and second grade clerks).....			34	93.	70.07	
Eligible (third grade clerks)			26	94.10	70.15	
Eligible (messengers)			7	90.30	86.50	

The following table shows the result of the general competitive examinations held during the year :

EXAMINATIONS—SCHEDULE B, 1888.

	Qualified.	Not qualified.
Examined for clerks, grades first and second.....	34	13
Examined for clerks, grade third.....	26	12
Examined for messengers.....	7	1
Examined for guards and keepers, Sing Sing prison..	15	2
Examined for guards and keepers, Clinton prison....	28	4
Examined for guards and keepers, Auburn prison....	31	13
Examined for reformatory guards.....	23	13
Examined for electrical expert, board electrical control.....	3	7
Examined for inspector's electrical conductors.....	13	6
Examined for inspectors of underground construction,	5	8
Examined for stenographers.....	6	3
Examined for clerks, Castle Garden.....	17	10
Examined for interpreters.....	10	6
Examined for janitors.....	14	2
Examined for assistant engineers.....	3	..
Examined for levelers.....	8	1
Examined for rodmen.....	4	1
Total.....	247	102

PROVISIONAL EXAMINATIONS AND APPOINTMENTS.

The following appointments have been made during the year as the result of provisional examinations held under Rule 42. The eligible lists having been exhausted these provisional examinations became necessary:

Date.	NAME.	Position.
1888.		
Jan. 3	John Theiss.....	Interpreter, Ninth District Court, New York city.
Jan. 13	Patrick Brady.....	Janitor, Fourth District Court, New York city.
Feb. 2	Ferdinand Dryer.....	Clerk, Castle Garden, New York city.
Feb. 2	Malcolm Douglas.....	Clerk, Castle Garden, New York city.
March 7	Charles Semsey.....	Clerk, Castle Garden, New York city.

NON-COMPETITIVE EXAMINATIONS.

Non-competitive examinations have been held for the position of assistant to the second deputy in the Attorney-General's office; confidential clerk and stenographer, and assistant corporation examiner in the office of the Secretary of State; corresponding tax clerk, corporation tax clerk, and special accountant in the office of the Comptroller; messenger in the office of the Superintendent of State Prisons; stenographer for the Board of Claims; private secretary of the Factory Inspector; assistant clerk at Sing Sing prison; physician at Auburn prison; assistant clerks, court attendants and stenographers of the courts in the cities of New York and Brooklyn; application clerks and inspectors under the board of excise in the city of New York, health officers, matron, Buffalo asylum; assistant matron, Castle Garden; matrons, Hudson River State Hospital, and third assistant physician at Hudson River State Hospital.

The board of trustees of Washington's Headquarters at Newburgh certified two candidates for the position of superintendent at headquarters. The examination was held at Newburgh April twenty-fourth. Both candidates claimed preference on account of having served in the Union army during the war. The only other instance in which more than one person was nominated by any board or officer for examination to a position classified as non-competitive was in the case of one of the assistant clerkships to the City Court of the city of New York, in which case the names of three applicants were submitted, one of whom claimed preference on account of services during the war. He received the appointment, although graded second in the examination.

During the year the following persons have been examined for the Schedule C positions named :

at N. Y.

SCHEDULE C.

Position

Date

1888.		
Jan.	4	by initial clerk
Jan.	4	
Feb.	1	
Feb.	16	
Feb.	16	
April	11	
April	26	
May	23	
June	2	
July	1	
Sept.	4	
Sept.	10	
Sept.	16	
Sept.	18	
Oct.	1	
Dec.	13	
Dec.	20	
Dec.	31	

CITY COURTS.

Jan.	3	
Jan.	3	
Jan.	5	
Jan.	18	
Jan.	18	
Feb.	6	
Feb.	6	
Feb.	6	
Feb.	6	
Feb.	6	
Feb.	6	
Feb.	6	
Feb.	6	
Feb.	11	
Feb.	11	
Feb.	11	
Feb.	11	

ty. ty.	city. city.	ty.
Feb. 11		
Feb. 20		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
March 24		
April 25		
May 25		
May 25		
May 25		
May 25		
May 25		
May 25		
June 12		
July 10		
July 10		
July 20		
Sept. 2		
Oct. 29		
Nov. 24		
Nov. 24		

SIXTH ANNUAL REPORT OF THE
BOARD OF EXCISE, NEW YORK CITY.

Date.	NAME.	Position.
1887.		
Dec. 21	Joseph C. Cary.....	Inspector.
Dec. 21	Patrick Roche.....	Inspector.
1888.		
Jan. 14	Thomas E. Leeman.....	Inspector.
Jan. 20	Lawrence Collins.....	Inspector.
Jan. 23	Michael Haggerty.....	Inspector.
Jan. 23	Fred. Kaufman.....	Inspector.
Jan. 31	Louis Maud.....	Inspector.
Jan. 31	Joseph Krieger.....	Inspector.
Jan. 31	Edward W. Hart.....	Inspector.
Feb. 27	Albert W. F. Krauss.....	Inspector.
Feb. 27	James F. Seery.....	Inspector.
June 15	Henry A. Wille.....	Inspector.
June 15	Samuel Barry.....	Inspector.
June 15	Chris. M. Buechler.....	Application clerk.
June 15	George H. Fahrbach.....	Application clerk.
Sept. 1	William J. Magee.....	Inspector.
Dec. 1	Charles A. Molloy.....	Inspector.
Dec. 1	Edward F. Mallahan.....	Inspector.

HEALTH OFFICERS EXAMINED AND APPOINTED.

County.	Town.	NAME.
Albany	Watervliet.....	Orson F. Cobb.
Allegany	Angelica.....	Benjamin C. Wakeley.
Oswego.....	New Haven.....	W. W. Dawley.
Onondaga.....	Elbridge.....	Hiland A. Weed.
Richmond.....	Northfield.....	J. W. Wood.
Allegany	Centreville.....	L. G. Waterman.
Franklin.....	Malone.....	Blake Bigelow
Warren	Queensbury.....	R. J. Eddy.
Dutchess	Stanford.....	Monroe T. Pultz.
Sullivan	Bethel.....	W. G. Steele.
Dutchess	Pleasant Valley.....	Irving D. LeRoy.
Franklin	Chateaugay.....	J. S. Van Vechten.
Madison	Brookfield.....	H. Cliff Brown.

County.	Village.	NAME.
Niagara	Middleport.....	Henry A. Wilmot.
Richmond	Port Richmond.....	F. E. Martindale.
Cortland.....	Cortland.....	William J. Moore.
Steuben	Bath.....	Thomas W. Pawling.
Washington.....	Cambridge.....	Walter Lamb.

The following table shows the general result of examinations for Schedule C positions held during the year:

EXAMINATIONS IN SCHEDULE C, 1888.

	Qualified.	Not qualified.
Excise inspectors	16	....
Application clerks, board of excise.....	2	....
Court attendants	35	3
Court stenographers	3	....
Stenographer and confidential clerk, Secretary of State,	1	....
Janitor, Fourth District Court (provisional).....	1	....
Interpreter, Ninth District Court (provisional).....	1	....
Clerks, Castle Garden (provisional).....	3	....
Assistant clerk, board of police justices.....	1	....
Assistant clerks, City Court.....	7	....
Assistant clerk, Police Court.....	1	....
Assistant clerk, Second District Court, New York.....	1	....
Assistant clerk, Third District Court, Brooklyn	1	....
Assistant to second deputy, Attorney-General	1	....
Messenger, Superintendent of Prisons.....	1	....
Assistant clerk, Sing Sing prison.....	1	....
Matrons, Hudson River State Hospital.....	2	....
Matron, Buffalo Asylum	1	....
Assistant Matron, Castle Garden.....	1	....
Assistant corporation examiner, Secretary of State...	1	....
Corresponding tax clerk, Comptroller.....	1	....
Superintendent Washington's headquarters, New-		
burgh	1	....
Health officers.....	18	2
Private secretary, Factory Inspector.....	1	....
Stenographer to Board of Claims	1	....
Physician, Auburn State prison	1	....
Third assistant physician, Hudson River State Hospital,	1	....
Special accountant, Comptroller's office	1	....
Corporation tax clerk, Comptroller's office.....	1	....
Total	<u>107</u>	<u>5</u>

The following table shows the general result of Schedule D examinations held during the year:

EXAMINATIONS IN SCHEDULE D, IN 1888.

	Qualified.	Not qualified.
Attendants.....	412	4
Apothecary.....	1	....
Assistant, sewing department.....	2	....
Firemen.....	7	....
Cooks.....	2	....
Housekeeper.....	1	....
Tailors.....	2	....
Mounter and fitter, stove department, Sing Sing prison.....	1	....
Assistant clerk, shoe department, Sing Sing prison...	2	....
Cutter, Sing Sing prison.....	1	....
Supervisor of nurses, Hudson River State hospital...	1	....
Supervisor.....	1	....
Waitresses, dining-room.....	5	....
Grooms.....	2	....
Laundry, assistants in.....	3	....
Kitchen helpers.....	7	....
Carpenters.....	3	....
Electrician.....	1	....
Helpers, ironing-room.....	2	....
Gardeners.....	2	....
Engineers.....	4	....
Farmer.....	1	....
Night watchman.....	1	....
Chambermaid.....	1	....
Matron.....	1	....
Storekeeper.....	1	....
Steam fitters.....	2	....
Teamsters.....	2	....
General work.....	3	....
Total.....	<u>474</u>	<u>4</u>

The following table shows the number of persons who have entered competitive examinations each year since the organization of the Commission, the positions for which they were examined, and the number who passed and failed:

COMPETITIVE EXAMINATIONS.

	NUMBER EXAMINED.				
	1884.	1885.	1886.	1887.	1888.
Clerks, grades 1 and 2.....	55	40	21	48	47
Clerks, grade 3.....	88	63	58	47	38
Messengers.....	8	16	10	18	8
Orderlies.....	42	.....	.....	.....	.....
Prison and reformatory guards and keepers.....	43	56	55	161	129
Hospital stewards.....	.....	20	.....	.....	.....
Assistant physicians.....	.....	3	.....	.....	.....
Teachers.....	.....	21	.....	9	.....
Stenographers and typewriters (not included in "clerks" above).....	.....	6	.....	.....	9
Engineering positions.....	.....	.....	28	31	17
Interpreters.....	.....	.....	11	.....	16
Janitors.....	.....	.....	3	.....	16
Law clerks.....	.....	.....	5	.....	.....
Inspectors of masonry.....	.....	.....	9	.....	.....
Assistant examiners, Board of Regents.....	.....	.....	6	25	.....
Collectors of canal statistics.....	.....	.....	.....	6	.....
Clerks to collectors.....	.....	.....	.....	4	.....
Accountants.....	.....	.....	.....	3	.....
Engrossing clerks.....	.....	.....	.....	28	.....
Proof-readers.....	.....	.....	.....	4	.....
Clerks, Castle Garden.....	.....	.....	.....	.....	27
Electrical experts, Board of Electrical Control.....	.....	.....	.....	.....	10
Inspectors, Board of Electrical Control.....	.....	.....	.....	.....	32
Total.....	236	225	206	384	349
Number who passed.....	170	142	165	254	247
Number who failed.....	66	83	41	130	102

The following is a summary of the results of examinations held during the year :

	Number. examined.	Qualified.	Not qualified.
Competitive examinations.....	349	247	102
Non-competitive examinations (schedule C),	112	107	5
Non-competitive examinations (schedule D),	478	474	4
Total.....	939	828	111

STATISTICAL SUMMARY OF PERSONS ADMITTED TO COMPETITIVE EXAMINATIONS
DURING THE YEAR.

Birthplace.

In State of New York.....	228
In other parts of the United States.....	29
In foreign countries.....	83
Total.....	340

Occupation.

Mechanics and laborers.....	99
Clerks	78
Other business.....	130
Unemployed	33
Total	340

Education.

Common school	255
Academic	62
Collegiate	23
Total	340

Previously in the United States military or naval service.....	43
--	----

Average age.....	Years. 32.24
------------------	-----------------

The Commission have appointed a board of examiners for Schedule D positions at each institution which has complied with the Civil Service law and rules. These examiners are generally selected from the persons officially connected with such institutions. The members of such Schedule D boards are shown below:

SCHEDULE D.

Auburn Asylum for Insane Criminals.—Fred. Sefton, M. D., chairman; William Gilbert, secretary.

Binghamton Asylum.—Charles C. Eastman, M. D., chairman and secretary; O. J. Wilsey, Edwin Evans.

Buffalo Asylum.—William D. Granger, M. D., chairman; A. W. Hurd, M. D., secretary; Levi M. Beam.

Hudson River State Hospital.—Theodore H. Kellogg, M. D., chairman; Charles H. Langdon, M. D., secretary.

Middletown Asylum.—A. P. Williamson, M. D., chairman; C. Spencer Kinney, M. D., secretary; John Cochran.

Willard Asylum.—Henry E. Allison, M. D., chairman; Alexander Nellis, Jr., M. D., secretary; Morris J. Gilbert.

Industrial School, Rochester, N. Y.—W. W. Murray, chairman; C. W. Wall, secretary; A. S. Little.

Utica Asylum.—Charles W. Pilgrim, M. D., chairman and secretary; John R. Jones, Emma Barker.

Elmira Reformatory.—John R. Joslyn, Esq., Prof. N. A. Miller, Boyd McDowell, Esq.

House of Refuge for Women, Hudson, N. Y.—Albert Hoysradt, chairman; Samuel R. Rainey, secretary; Crawford E. Fritta, M. D.

Emigrants' Hospital, Ward's Island.—J. A. Fox, M. D., chairman; W. C. Deming, M. D., secretary; C. C. Vinton.

When the roster of State employés was completed for the first time by the Commission it became apparent that a number of heads of departments and institutions had failed to comply with the law and rules governing the selection of employés. In pursuance of instructions given by the Commission I have called the attention of the parties responsible for the failure, either personally or by letter, to the subject. In a number of instances steps were immediately taken to carry out the provisions of the law and rules.

I am gratified to be able to report that in nearly all cases a disposition to carry out its provisions had been manifested.

I have constantly endeavored to comply with the letter and spirit of the provisions of the Civil Service law, which requires that "examinations shall be practical in their character and, so far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of that service into which they seek to be appointed."

The charge so commonly made that the candidates are required to pass an examination in irrelevant subjects, comes generally from those who have never taken the trouble to inform themselves as to the scope of such examinations and rarely, if ever is heard from those who are participants.

I desire to express my grateful appreciation of the many courtesies shown me by yourself and the other members of the Commission.

I also wish to acknowledge my indebtedness to the Board of General Examiners at Albany and the special examiners and other officials throughout the State for their intelligent coöperation and valuable assistance in my efforts to execute the law and the instructions of the Commission. I have the honor to be

Yours very respectfully.

JOHN B. RILEY,
Chief Examiner.

APPENDIX B.

LIST OF EXAMINERS.

LIST OF APPOINTMENTS.

LIST OF REMOVALS.

LIST OF PROMOTIONS.

LIST OF VIOLATIONS AND CORRECTIONS.

STATISTICAL SUMMARY OF PERSONS ADMITTED TO COMPETITIVE EXAMINATIONS.

STATISTICAL TABLES OF STATE EMPLOYEES.

STATISTICAL TABLES OF CITY EMPLOYEES.

APPENDIX B.

LIST OF EXAMINERS AND OTHER OFFICERS IN THE CIVIL SERVICE OF THE STATE.

Chief Examiner.—John B. Riley.

General Board of Examiners at Albany for Clerical Positions.—Richard G. Milks, Charles W. Cole, P. H. McQuade, Willis E. Merriman.

For Law Clerks.—Hon. Matthew Hale, Hon. William B. Ruggles, Hon. Edwin Countryman.

New York Courts.—Hon. William H. Arnoux, Hon. Jacob F. Miller, Austin Abbott, Esq., Charles A. Davidson, Esq., W. C. Reddy, Esq.

Brooklyn Courts.—Edwin M. Ivins, Esq., Frederick P. Bellamy, Esq., Harrington Putnam, Esq.

For Excise Board, New York City.—S. Hastings Grant, Esq., John S. McWilliam, Esq., Walter D. Edmonds, Esq.

For Local Health Officers.—Samuel B. Ward, M. D., E. H. Parker, M. D., Charles E. Jones, M. D., Lansing B. Winne, M. D.

General Board of Examiners for Positions in Asylums.—Dr. Stephen Smith, Dr. Thomas H. Allen, Dr. Albert Vander Veer, Dr. David Murray.

Examiners for Engineering Positions.—Horace Andrews, Esq., David M. Green, Esq., Richard Prescott, Esq.

For the New York House of Refuge.—B. B. Atterbury, Esq., Nathaniel Jarvis, Jr., Esq., Wm. S. Keilly, Esq.

Clinton Prison.—The warden, Hon. Wm. P. Mooers.

Auburn Prison.—The warden, Hon. John D. Teller, Orlando Lewis, Esq.

Sing Sing Prison.—The warden, Jared Sanford, Esq., Albert Babcock, Esq., James Connaughton, Esq.

Buffalo.—T. Guilford Smith, Esq., Leonard Chester, Esq.

Syracuse.—Alfred Wilkinson, Esq., Hon. A. Judd Northrup, W. S. Andrews, Esq.

Elmira.—Hon. Seymour Dexter, Francis Hall, Esq., Dr. Wm. C. Wey.

• *Utica.*—Edward Curran, Esq., Jos. S. Lowery, Esq., Wm. Kernan, Esq.

Batavia.—John H. Ward, Esq., Carlos A. Hulls, Esq., Horace H. Hutchins, M. D.

Auburn Asylum for Insane Criminals.—Fred Sefton, M. D., chairman ; James F. Howell, secretary.

Binghamton Asylum.—Charles C. Eastman, M. D., chairman and secretary ; O. J. Wilsey, Edwin Evans.

Buffalo Asylum.—A. W. Hurd, M. D., secretary ; Levi M. Beam.

Hudson River State Hospital.—Theodore H. Kellogg, M. D., chairman ; Charles H. Langdon, M. D., secretary.

Middletown Asylum.—A. P. Williamson, M. D., chairman ; C. Spencer Kinney, M. D., secretary ; John Cochran.

Willard Asylum.—Henry E. Allison, M. D., chairman ; Alexander Nellis, Jr., M. D., secretary ; Morris J. Gilbert.

Industrial School, Rochester, N. Y.—W. W. Murray, chairman ; C. W. Wall, secretary ; A. S. Little.

Utica Asylum.—Charles W. Pilgrim, M. D., chairman and secretary ; John R. Jones, Emma Barker.

Elmira Reformatory.—Irving P. Winnie, chairman ; Oscar Hoppe, H. F. Bush.

House of Refuge for Women, Hudson, N. Y.—Albert Hoysradt, chairman ; Samuel R. Rainey, secretary ; Crawford E. Fritts, M. D.

Emigrant Hospital, Ward's Island.—J. A. Fox, M. D., chairman ; W. C. Deming, M. D., secretary ; C. C. Vinton, M. D.

LIST OF APPOINTMENTS.
SCHEDULE B.

Date.	NAME.	Position.	Office.
1888.			
Jan. 1	Rodman	
Jan. 10	Guard	
Jan. 19	Examiner	
Jan. 19	Examiner	
Jan. 19	Examiner	
Jan. 19	Examiner	
Jan. 19	Examiner	
Jan. 30	Guard	
Feb. 3	Guard	
Feb. 3	Keeper	
Feb. 9	Guard	
Feb. 11	Guard	
Feb. 11	Guard	
Feb. 11	Clerk, grade 3	
Feb. 15	Guard	
Feb. 14	Guard	
Feb. 16	Guard	
Feb. 29	Guard	
Feb. 28	Guard	
March 3	Janitor	York.
March 3	Janitor	w York.
March 3	Janitor	w York.
March 5	Interpreter	w York.
March 8	Guard	..
March 29	Interpreter	..
March 12	Guard	..
March 12	Engrossing clerk	..
April 13	Keeper	..
April 21	Guard	..
April 21	Stenographer and typewriter	..
May 10	Guard	..
May 20	Janitor	..
June 1	Guard	w York.
June 2	Guard	
June 2	Guard	
June 13	Inspector underground construction	Clinton Prison.
June 13	Inspector underground construction	Board of Electrical Control.
June 13	Inspector underground construction	Board of Electrical Control.
June 13	Inspector electrical conductors	Board of Electrical Control.
June 13	Inspector electrical conductors	Board of Electrical Control.

June 16	Electrical expert.....	lyd.
June 16	Inspector electrical conductors.....	
June 16	Inspector electrical conductors.....	
June 18	Guard.....	
June 26	Guard.....	
June 26	Stenographer and typewriter.....	
June 27	Guard.....	
June 29	Interpreter.....	
July 2	Stenographer and typewriter.....	
July 3	Guard.....	
July 6	Guard.....	
July 6	Guard.....	
July 7	Guard.....	
July 7	Guard.....	
July 10	Clerk, grade 2.....	
July 20	Guard.....	
July 27	Guard.....	
Aug. 9	Inspector electrical conductors.....	
Aug. 16	Guard.....	
Aug. 20	Guard.....	
Aug. 28	Temporary typewriter.....	
Aug. 29	Guard.....	
Aug. 29	Guard.....	
Aug. 29	Guard.....	
Sept. 8	Temporary typewriter.....	
Sept. 12	Guard.....	
Sept. 19	Stenographer and typewriter.....	
Sept. 21	Stenographer and typewriter.....	
Sept. 24	Guard.....	
Sept. 26	Guard.....	
Sept. 29	Guard.....	
Oct. 18	Guard.....	
Nov. 7	Guard.....	
Nov. 8	Guard.....	
Nov. 13	Guard.....	
Nov. 24	Accountant.....	
Nov. 24	Stenographer and typewriter.....	
Dec. 13	Chief clerk.....	
Dec. 15	Clerk, second grade.....	kor.
Dec. 15		

Feb. 11	city.	rk city.	ty.	city.
Feb. 11	city.	rk city.		
Feb. 11				
Feb. 11				
Feb. 11				
Feb. 20				
March 24				
March 24				
March 24				
March 24				
March 24				
March 24				
March 24				
March 24				
March 24				
March 24				
April 25				
May 25				
May 28				
May 28				
May 28				
May 28				
May 28				
June 12				
July 10				
July 10				
July 20				
Sept. 3				
Oct. 28				
Nov. 24				
Nov. 24				

SCHEDULE C.

BOARD OF EXCISE, NEW YORK CITY.

Date.	NAME.	Position.
1887.		
Dec. 21	Joseph O. Cary	Inspector.
Dec. 21	Patrick Roche	Inspector.
1888.		
Jan. 14	Thomas E. Leeman	Inspector.
Jan. 20	Lawrence Collins	Inspector.
Jan. 23	Michael Haggerty	Inspector.
Jan. 23	Fred Kaufman	Inspector.
Jan. 31	Louis Mand	Inspector.
Jan. 31	Joseph Kreiger	Inspector.
Jan. 31	Edward W. Hart	Inspector.
Feb. 27	Albert W. F. Krauss	Inspector.
Feb. 27	James F. Seery	Inspector.
June 15	Henry A. Wille	Inspector.
June 15	Samuel Barry	Inspector.
June 15	Christopher M. Buechler	Application clerk.
June 15	George H. Fahrbach	Application clerk.
Sept. 1	William J. Magee	Inspector.
Dec. 1	Charles A. Malloy	Inspector.
Dec. 1	Edward F. Mallahan	Inspector.

HEALTH OFFICERS EXAMINED AND APPOINTED, 1888.

County.	Village.	NAME.
Niagara	Middleport	Henry A. Wilmot, M. D.
Richmond	Port Richmond	F. E. Martindale, M. D.
Cortland	Cortland	William J. Moore, M. D.
Steuben	Bath	Thomas H. Pawling, M. D.
Washington	Cambridge	Walter Lamb, M. D.

County.	Town.	NAME.
Albany	Watervliet	Orson F. Cobb, M. D.
Allegany	Angelica	Benjamin C. Wakely, M. D.
Oswego	New Haven	W. W. Dawley, M. D.
Onondaga	Elbridge	Hiland A. Weed, M. D.
Richmond	Northfield	J. W. Wood, M. D.
Allegany	Centreville	L. G. Waterman, M. D.
Franklin	Malone	Blake Bigelow, M. D.
Warren	Queensbury	R. J. Eddy, M. D.
Dutchess	Stanford	Monroe T. Pultz, M. D.
Sullivan	Bethel	W. G. Steele, M. D.
Dutchess	Pleasant Valley	Irving D. LeRoy, M. D.
Franklin	Chateaugay	J. S. Van Vechten, M. D.
Madison	Brookfield	H. Cliff. Brown, M. D.

PROVISIONAL APPOINTMENTS UNDER RULE 42.

Date.	NAME.	Position.
1888.		
Jan. 3	John Theiss	Interpreter, Ninth District Court, New York city.
Jan. 13	Patrick Brady	Janitor, Fourth District Court, New York city.
Feb. 2	Frederick Dryer	Clerk, Castle Garden, New York city.
Feb. 2	Malcolm Douglas	Clerk, Castle Garden, New York city.
March 7	Charles Semsey	Clerk, Castle Garden, New York city.

CIVIL SERVICE COMMISSION.

LIST OF REMOVALS.

Date.		Position.	Office.
1896.			
Jan. 14	.....	
Jan. 31	.....	
Jan. 31	.....	
Jan. 31	.....	
Feb. 1	.....	
Feb. 1	.....	
Feb. 1	.....	
Feb. 1	.....	
Feb. 1	.....	
Feb. 26	.....	
Feb. 26	.....	
Feb. 26	.....	
March 1	.....	
March 24	.....	
April 8	.....	
May 1	inner.....		I city.
May 1	inner.....		
May 1	inner.....		
May 20	.....	
May 20	.....	
May 20	.....	
May 20	it.....		I city.
June 1	.....	
June 1	.....	
June 30	.....	
Aug. 1	.....	
Aug. 18	.....	
Aug. 31	.....	
Oct. 1	.....	
Nov. 15	.....		X.
Nov. 30	.....	
Nov. 30	.....	
Nov. 30	.....	
Nov. 30	lark		city.
Dec. 3	.....	

REMOVALS, ATTENDANTS, ETC.

Willard asylum, attendants, etc.	15
Utica asylum, attendants, etc.	3
Binghamton asylum, attendants, etc.	19
Middletown asylum, attendants, etc.	8
Hudson River State hospital, attendants, etc.	12
Buffalo asylum, attendant.	1
Auburn asylum, attendant and fireman.	2
Elmira reformatory, guards and experts.	22
State industrial school, attendant, domestics, etc.	4
Asylum for idiots, Syracuse, attendants.	2
Auburn State prison, guards and keepers.	18
Department of public buildings (estimated).	25
Quarantine Commission.	4
Commissioners of Emigration.	5
Emigrant Hospital, Ward's Island.	4
House of Refuge, Randall's Island.	1
New York Institution for the Blind.	3

LIST OF PROMOTIONS.

1888.

- Jan. 1. Charles E. Hawkins, inspector teachers' classes, Board of Regents, \$2,000 to \$2,500.
- Jan. 1. William B. Marshall, assistant, State Museum, \$800 to \$1,000.
- Jan. 15. C. L. Johnson, resident to division engineer, department State Engineer and Surveyor, \$2,000 to \$2,400.
- Jan. 16. John Harper, Jr., inspector to special inspector, New York board of excise, \$1,200 to \$1,500.
- Jan. 23. John H. Rapp, inspector to special inspector, New York board of excise, \$1,200 to \$1,500.
- Feb. 1. Eugene B. Hastings, assistant accountant to accountant, Railroad Commission, \$2,100 to \$3,000.
- Feb. 1. Albert Cornwall, clerk, office Secretary of State, \$1,440 to \$1,600.
- April 1. Edward L. Devlin, chief clerk to commissioner of law students examinations, Board of Regents, \$1,800 to \$2,500.
- July 1. John D. Moriarty, clerk and messenger, Banking Department, \$1,280 to \$1,500.
- Sept. 1. George H. Gale, assistant secretary to secretary, New York board of excise.

1888.

Oct. 6. L. L. Gaul, rodman to leveler, department State Engineer and Surveyor.

Nov. 8. George McNett, M. D., surgeon, Soldiers' and Sailors' Home, \$1,200 to \$1,500.

Nov. 20. Irving Washington, first assistant superintendent, to superintendent State Industrial School, Rochester, N. Y.

Nov. 20. W. W. Murray, instructor to assistant superintendent State Industrial School, Rochester, N. Y.

LIST OF VIOLATIONS AND CORRECTIONS.

	Viola- tions.	Correc- tions.
Department of State Engineer and Surveyor	15	15
Department of Public Buildings	21	..
Bureau of Statistics of Labor	9	8
Regents of the University	5	2
Forest Commission	17	..
Insurance Department	1	..
Agricultural Experiment Station, Geneva, N. Y.	3	1
State Board of Health	1	..
Adjutant-General	1	..
Willard asylum	13	13
Utica asylum	4	3
Middletown asylum	24	10
Buffalo asylum	8	8
Elmira reformatory	20	9
House of Refuge for Women, Hudson, N. Y.	20	2
Binghamton asylum	14	10
Department of the Dairy Commissioner	23	..
Comptroller's office	1	..
Asylum for Idiots, Syracuse	62	11
Custodial Asylum for Women, Newark, N. Y.	31	6
Institution for the Blind, New York city	14	5
Soldiers' and Sailors' Home, Bath, N. Y.	5	..
Commissioners of Emigration	12	7
Emigrant Hospital, Ward's Island	62	13
Health Officer, port of New York	2	..
Quarantine Commission	10	5
House of Refuge, Randall's Island	19	2
Auburn prison	4	1
Onondaga Salt Works, Syracuse, N. Y.	17	..
State Industrial School, Rochester, N. Y.	53	11

	Viola- tions.	Correc- tions.
Asylum for Deaf-Mutes, Malone, N. Y.....	17	..
Asylum for Deaf-Mutes, Buffalo, N. Y.....	23	..
Institution for Deaf-Mutes, New York city.....	21	4
First District Court, New York city.....	2	1
Fourth District Court, New York city.....	1	..
Sixth District Court, New York city.....	1	..
Seventh District Court, New York city	1	..
Ninth District Court, New York city.....	2	..
Tenth District Court, New York city.....	1	..
Eleventh District Court, New York city	5	..
Court of Common Pleas, New York city	1	1
Court of Special Sessions, New York city.....	2	..
Third District Court, Brooklyn, N. Y.....	1	..
City Court, Brooklyn, N. Y.....	1	..
Total.....	<u>571</u>	<u>148</u>

STATISTICAL SUMMARY OF PERSONS ADMITTED TO COMPETITIVE EXAMINATIONS.

BIRTHPLACE.

In State of New York.....	228
In other parts of the United States	29
In foreign countries.....	83
Total	<u>340</u>

OCCUPATION.

Mechanics and laborers.....	99
Clerks	78
Other business.....	130
Unemployed.....	33
Total	<u>340</u>

EDUCATION.

Common school.....	255
Academic	62
Collegiate.....	23
Total	<u>340</u>

Previously in the United States military or naval service.....	<u>43</u>
--	-----------

	Years.
Average age.....	<u>32.24</u>

STATISTICAL TABLES OF STATE EMPLOYES.

NUMBER OF PERSONS IN EACH DEPARTMENT OF THE STATE, AS CLASSIFIED.

DEPARTMENT.	Exempt.	SCHEDULE.				Total num-ber on pay-roll of each departm't.
		A.	B.	C.	D.	
Executive Chamber	8	....	....	....	....	8
.....	3	....	6	6	....	14
.....	2	1	18	6	....	27
.....	2	3	2	2	....	8
.....	4	1	3	3	....	11
.....	2	5	48	....	19	74
.....	1	1	....	1	....	3
.....	2	6	2	....	1	10
.....	3	6	23	....	1	30
.....	2	1	4	2	1	10
.....	3	1	8	4	....	18
.....	3	2	....	2	....	7
.....	....	1	6	2	....	9
.....	3	2	1	....	....	6
.....	1	1	3	7	....	12
.....	3	1	5	....	14	23
.....	1	8	....	23	....	30
.....	1	1	7	....	1	10
.....	1	3	....	....	....	3
.....	1	1	....	....	....	2
.....	....	3	4	6	....	12
.....	....	1	13	1	....	15
.....	....	....	1	6	1	7
.....	....	....	....	7	2	9
.....	1	1	....	39	1	42
.....	1	3	3	10	6	23
.....	1	9	1	1	....	12
.....	3	1	....	....	....	4
.....	1	....	6	....	5	12
.....	1	....	1	4	3	8
.....	1	....	6	1	....	7
.....	....	....	....	....	....	51
.....	....	....	....	....	....	80
.....	....	....	62	6	....	67
.....	....	....	51	6	38	94
.....	....	....	40	6	....	45
.....	....	....	38	6	42	80
.....	....	....	18	6	48	69
.....	....	....	....	14	368	382
.....	....	....	4	12	172	188
.....	....	....	4	7	133	144
.....	....	....	7	9	227	243
.....	....	....	....	9	105	114
.....	....	....	2	7	81	90
.....	....	....	1	10	8	16
.....	....	....	....	3	74	77
.....	....	1	11	6	25	103
N. Y. ....	....	....	1	6	25	31
.....	....	....	13	6	4	23
.....	....	....	22	6	40	67
.....	....	....	1	6	11	17
city.....	....	....	20	6	5	30
Buffalo..	....	....	12	6	30	48
e.....	....	....	5	8	....	8
.....	3	4	3	69	....	79
n.....	....	1	31	2	29	53
.....	....	....	6	5	80	90
.....	....	....	21	14	39	74
.....	....	....	4	1	7	12
.....	3	1	....	6	6	16
city.....	4	2	10	....	....	16
.....	1	1	3	4	....	8
.....	1	1	3	4	....	8
.....	1	1	2	4	....	8
.....	1	1	2	4	....	8
.....	1	1	3	5	....	9
.....	1	1	2	4	....	8
.....	1	1	2	4	....	8
.....	1	3	....	1	....	4
.....	1	1	1	2	1	6

NUMBER OF PERSONS IN EACH DEPARTMENT OF THE STATE — (Continued).

DEPARTMENT.	Exempt.	SCHEDULE.				Total number on pay-roll of each department.
		A.	B.	C.	D.	
Third District Court, Brooklyn.....	1	2	2	1	.....	6
Board of Police Justices, New York.....	11	7	4	20	.....	42
Supreme Court, New York city.....	....	1	....	34	.....	35
Superior Court, New York city.....	6	3	....	37	.....	46
Court of Special Sessions, New York.....	....	2	1	5	.....	8
Court of Common Pleas, New York.....	6	2	....	30	.....	38
Court of General Sessions, New York.....	4	2	2	47	.....	55
City Court, New York city.....	6	4	1	26	.....	37
City Court, Brooklyn.....	....	6	1	11	.....	18
Total.....	106	104	563	608	1,707	3,219

EXAMINATIONS IN SCHEDULE B, 1888.

	Qualified.	Not qualified.
Examined for clerks, grades first and second	34	13
Examined for clerks, grade third.....	26	12
Examined for messengers.....	7	1
Examined for guards and keepers, Sing Sing prison..	15	2
Examined for guards and keepers, Clinton prison....	28	4
Examined for guards and keepers, Auburn prison....	31	13
Examined for reformatory guards	23	13
Examined for electrical expert, B'd Elec. Control.....	3	7
Examined for inspectors electrical conductors.....	13	6
Examined for inspectors, underground const.....	5	8
Examined for stenographers.....	6	3
Examined for clerks, Castle Garden.....	17	10
Examined for interpreters	10	6
Examined for janitors	14	2
Examined for assistant engineers.....	3	...
Examined for levelers	8	1
Examined for rodmen	4	1
Total	247	102

EXAMINATIONS IN SCHEDULE C, 1888.

	Qualified.	Not qualified.
Excise inspectors	16	....
Application clerks, board of excise.....	2	....
Court attendants.....	35	3
Court stenographers.....	3	....
Stenographer and confidential clerk, Secretary of State,	1	....
Janitor, Fourth District Court, provisional.....	1	....
Interpreter, Ninth District Court, provisional.....	1	....
Clerks, Castle Garden, provisional.....	3	....
Assistant clerk, board of police justices.....	1	....
Assistant clerks, City Court.....	7	....
Assistant clerk, Police Court.....	1	....
Assistant clerk, Second District Court, N. Y.....	1	....
Assistant clerk, Third District Court, Brooklyn	1	....
Assistant to second deputy, Attorney-General.....	1	....
Messenger, Superintendent of Prisons.....	1	....
Assistant clerk, Sing Sing prison.....	1	....
Matrons, Hudson River State hospital.....	2	....
Matron, Buffalo asylum.....	1	....
Assistant matron, Castle Garden.....	1	....
Assistant corporation examiner, Secretary of State...	1	....
Corresponding tax clerk, Comptroller.....	1	....
Superintendent Washington's Headquarters, New-		
burgh	1	....
Health officers.....	18	2
Physician, Auburn State prison	1	....
Special accountant, Comptroller's office	1	....
Stenographer to Board of Claims.....	1	....
Private secretary to Factory Inspector.....	1	....
Third assistant physician, Hudson River State hospital,	1	....
Corporation tax clerk, Comptroller's office.....	1	....
	<hr/> 107	<hr/> 5

EXAMINATIONS IN SCHEDULE D, 1888.

	Qualified.	Not qualified.
Attendants.....	412	4
Apothecary	1	....
Assistant, sewing department	2	....
Firemen	7	....
Cooks	2	....
Housekeeper	1	....
Tailors	2	....
Mounter and fitter, stove department, Sing Sing prison,	1	....
Assistant clerk, shoe department, Sing Sing prison ...	2	....
Cutter, shoe department, Sing Sing prison.....	1	....
Supervisor of nurses, Hudson River State hospital....	1	....
Supervisor	1	....
Waitresses, dining-room.....	5	....
Grooms.....	2	....
Laundry, assistants in.....	3	....
Kitchen helpers	7	....
Carpenters.....	3	....
Electrician	1	....
Helpers, ironing-room.....	2	....
Gardeners	2	....
Engineers.....	4	....
Farmer	1	....
Night watchman.....	1	....
Chambermaid	1	....
Matron	1	....
Storekeeper	1	....
Steam fitters.....	2	....
Teamsters.....	2	....
General work	3	....
Total	<u>474</u>	<u>4</u>

COMPETITIVE EXAMINATIONS—SCHEDULE B.

	NUMBER EXAMINED.				
	1884.	1885.	1886.	1887.	1888.
Clerks, grades 1 and 2.....	55	40	21	48	47
Clerks, grade 3.....	88	68	58	47	38
Messengers.....	8	16	10	18	8
Orderlies.....	42	.....	.....	.....	.....
Prison and reformatory guards and keepers.....	43	56	55	161	129
Hospital stewards.....	.....	20	.....	.....	.....
Assistant physicians.....	.....	3	.....	.....	.....
Teachers.....	.....	21	.....	9	.....
Stenographers and type-writers (not included in "clerks" above).....	.....	6	.....	.....	9
Engineering positions.....	.....	.....	28	81	17
Interpreters.....	.....	.....	11	.....	16
Janitors.....	.....	.....	3	.....	16
Law clerks.....	.....	.....	5	.....	.....
Inspectors of masonry.....	.....	.....	9	.....	.....
Assistant examiners, Board of Regents.....	.....	.....	6	25	.....
Collectors of canal statistics.....	.....	.....	.....	6	.....
Clerks to collectors.....	.....	.....	.....	4	.....
Accountants.....	.....	.....	.....	3	.....
Engrossing clerks.....	.....	.....	.....	28	.....
Proof-readers.....	.....	.....	.....	4	.....
Clerks, Castle Garden.....	.....	.....	.....	.....	27
Electrical experts, Board of Electrical Control.....	.....	.....	.....	.....	10
Inspectors, Board of Electrical Control.....	.....	.....	.....	.....	32
Total.....	236	225	206	384	349
Number who passed.....	170	142	165	254	247
Number who failed.....	66	83	41	130	102

NUMBER APPOINTED AND CHARACTER OF APPOINTMENT.

Clerks, grades 1 and 2.....	3	.....	1	2	4
Clerks, grade 3.....	9	.....	7	1	2
Clerks, temporary, office Railroad Commission.....	.....	11	.....	1	.....
Messengers.....	1	1	1	.....	1
Prison and reformatory guards and keepers.....	5	4	27	34	39
Teachers, Batavia Institution for the Blind.....	.....	3	1	2	.....
Female assistant physician, Willard Asylum.....	.....	1	.....	.....	.....
First assistant physician, Hudson River State Hospital.....	.....	1	.....	.....	.....
Physician Auburn Prison.....	.....	.....	1	.....	.....
Steward, Hudson River State Hospital.....	.....	1	.....	.....	.....
Stenographers and type-writers.....	.....	.....	2	.....	7
Interpreters.....	.....	.....	1	1	4
Janitors.....	.....	.....	.....	.....	5
Assistant engineers, levelers and rodmen.....	.....	.....	5	14	1
Land clerk, office of State Engineer.....	.....	.....	1	.....	.....
Inspectors of masonry.....	.....	.....	7	.....	.....
Assistant examiners, Board of Regents.....	.....	.....	3	3	5
Electrical expert, Board of Electrical Control.....	.....	.....	.....	.....	1
Inspectors, Board of Electrical Control.....	.....	.....	.....	.....	8
Accountant.....	.....	.....	.....	.....	1
Engrossing clerk.....	.....	.....	.....	.....	1
Total.....	18	22	57	58	78

TOTAL NUMBER OF APPOINTMENTS.

After competitive examination.....	18	22	57	58	78
After non-competitive examination, Schedule C..	31	314	136	99	107
After non-competitive examination, Schedule D..	386	223	345	615	474
Total.....	435	559	538	772	659

APPENDIX C.

CORRESPONDENCE.

APPENDIX C.

CORRESPONDENCE.

APPENDIX C.

CORRESPONDENCE.

NEW YORK, December 30, 1887.

CLARENCE B. ANGLE, Esq.,

Secretary New York State Civil Service Commission :

DEAR SIR.—At a meeting of the supervisory board held December 28, 1887, the following resolution was adopted and was this day approved by the mayor. I have the honor to request the approval of said resolution by your Commission:

“*Resolved*, That the following be added at the end of Regulation 33: All vacancies among the attendants in any insane asylum shall be filled by the general superintendent and the medical superintendent of the institution in which such vacancies shall occur in such manner as they shall deem best, and the names of all persons so appointed shall be sent forthwith to the secretary of the examining board, and they shall, if not previously dismissed at the end of a period not exceeding four months, pass a non-competitive examination, in default of which the appointment shall cease.”

The foregoing amendment was the result of a conference held with the supervisory board by the general medical superintendents of the New York city insane asylums and was considered by them to be the best method to be employed to increase the efficiency of the attendants in the various insane asylums.

Very respectfully yours.

LEE PHILLIPS,

Secretary and Executive Officer.

ALBANY, January 27, 1888.

LEE PHILLIPS, Esq.,

Secretary and Executive Officer Civil Service Supervisory Board :

DEAR SIR.—The following resolution amending Regulation 33 for the city of New York, adopted by the supervisory board December 28, 1887, has this day been approved by the New York Civil Service Commission:

“*Resolved*, That the following be added at the end of Regulation 33: All vacancies among the attendants in any insane asylum shall be

filled by the general superintendent and the medical superintendent of the institution in which such vacancies shall occur in such manner as they shall deem best, and the names of all persons so appointed shall be sent forthwith to the secretary of the examining board, and they shall, if not previously dismissed at the end of a period of not exceeding four months, pass a non-competitive examination, in default of which the appointment shall cease."

Very respectfully yours.

CLARENCE B. ANGLE,
Secretary.

BUFFALO, N. Y., December 30, 1887.

C. B. ANGLE, Esq.,

Secretary Civil Service Commission:

DEAR SIR.—I wish to apply to the Commission for permission to waive the operation of Rule No. 35, requiring an appointee to be a resident of this State in the case of a matron of this asylum. It becomes necessary for us to fill a proposed vacancy and the person whom I wish to make trial of is not a resident of this State. I would not ask this did I not deem it best for the interests of the institution. A speedy reply will accommodate us.

I am very truly yours.

J. B. ANDREWS,
Superintendent.

ALBANY, January 19, 1888.

Dr. JUDSON B. ANDREWS,

Superintendent State Asylum for the Insane, Buffalo, N. Y.

DEAR SIR.—I have the honor to inform you that at a meeting of this Commission, held January seventeenth, instant, the following was adopted and subsequently approved by the Governor:

Resolved, That the restrictions imposed by Rule 35 in regard to residence and citizenship shall not apply to the position of matron in the State Asylum for the Insane at Buffalo.

Very respectfully yours.

CLARENCE B. ANGLE,
Secretary.

MAYOR'S OFFICE,
BROOKLYN, N. Y., *January 3, 1888.* }

To the Honorable The New York Civil Service Commission :

GENTLEMEN.—In pursuance of section 8, chapter 354, Laws of 1883, as amended by section 2, chapter 410, Laws of 1884, I herewith submit for the approval of your Commission, Regulation 4 of the Civil Service Regulations of the city of Brooklyn, so amended as to read as follows:

“For the purpose of conducting the inquiries and making the examinations mentioned in section 8 of said law as amended, the mayor shall employ five suitable persons, citizens of Brooklyn, who shall constitute the Civil Service Commission of Brooklyn (hereinafter for brevity also called the Commission), and each member of which shall be known as a Civil Service Commissioner of Brooklyn. Not more than three of the Commission shall belong to the same political party, and no one of them shall be otherwise in the employ of the city. Each Commissioner shall, before entering upon the discharge of his duties, take and file with the city clerk an oath, in the general form prescribed for other city officers. The mayor may, at any time, by filing with the city clerk a written notification of the change, employ another citizen in the place of any one so employed, who shall thereupon cease to be such Commissioner. The Commissioners shall serve without pay.”

I inclose a copy of the said regulation now in force. So much of it as it is proposed to change is indicated by the red lines. The purpose of the amendment is to reduce the membership of the Commission from eleven to five.

Respectfully.

A. C. CHAPIN,
Mayor.

STATE OF NEW YORK :

CIVIL SERVICE COMMISSION,
NEW YORK CITY, *January 10, 1888.* }

Resolved, That the request of the mayor of Brooklyn for a modification of Regulation 4 for his city be approved, said regulation as amended to take effect from the 6th day of February, 1888.

CLARENCE B. ANGLE,
Secretary.

OFFICE OF THE PUBLISHERS' WEEKLY, FRANKLIN SQUARE, }
NEW YORK, January 9, 1888.

Gen. DANIEL E. SICKLES,

State Civil Service Commissioner:

DEAR SIR.—In Friday evening's *Post* an interviewer quotes you as saying of the Civil Service examinations: "Men should be examined in regard to their general fitness for the position they want to fill. There should be no long examinations in regard to rhetoric, geography and things of that sort, but it should be practical." And a case was referred to in which an applicant for "a position in which a knowledge of chemistry and metallurgy was absolutely necessary," was asked no questions on these subjects. As the inference might be drawn by the opponents of the Civil Service reform that you share a "general opinion," to which you refer, commonly held by those unfriendly to the law before they have informed themselves as to the real nature of these examinations, I beg leave, as a citizen of the State much interested in the Civil Service, to ask whether, in your opinion, the case cited fairly represents the Civil Service examinations, or is an exception to the rule, and whether your own investigation of the examination papers and answers has suggested to you that the examinations are theoretical and not practical.

In preparing for the Society for Political Education its pamphlet on "Civil Service Examinations," I had occasion to go carefully over many of the questions and replies in examinations under the national, State and city Civil Service administrations, some of which are reprinted in the pamphlet which I send you. In the cases which I investigated I found the examination papers eminently practical, the questions being, first, such as a business man like myself would ask any applicant for employment to test his common sense and common knowledge, and second, such as had direct bearing on physical and mental fitness for the specific position sought, whether as clerk, policeman, fireman or scientific expert. The papers for the police and fire departments had been prepared with the help of experienced officers of these departments, and the working chiefs, if not the political heads, of these departments bore testimony to the practical usefulness of the new methods.

I did not find any questions in rhetoric, in ancient history, in Greek or in like "ideal" subjects, and any questions in arithmetic and geography proved to be either of direct bearing or fair tests of general intelligence. As I am interested in making the preface to that pamphlet, in any future editions, a full and accurate statement of facts, I should be obliged further if you will kindly specify the instance to

which you refer, that I may obtain full and accurate information in the case in question.

It would be most unfortunate should any utterance of the chief of the new Commission appointed by the Governor of a State whose citizens are proud of its foremost place in this reform, should be taken as a confirmation of a "general opinion" held so largely by those who would be glad to see the "merit system" broken down in some indirect way, such as the substitution of pass for competitive examinations, and I trust you will be willing to express further your views on this subject.

With best wishes for the new Commissioners in continuing the excellent work of their predecessors, I remain,

Respectfully yours.

R. R. BOWKER.

ALBANY, *January 17, 1888.*

R. R. BOWKER, Esq., *New York City.* :

DEAR SIR. — I am requested by the chairman of the Board of Commissioners to acknowledge the receipt of your letter of the ninth inst., also a copy of the "Economic Tracts No. 22," entitled "Civil Service Examinations," and I am directed to state in reply to your inquiries that the chairman respectfully refers you to such official action as may be taken by the Board upon matters coming before it from time to time as the most satisfactory expression of the views of the Commissioners touching their sphere of duty.

Referring to your observations upon the interview with General Sickles, published in the *Evening Post*, it will be sufficient, it is presumed, to refer you to section 2 of the Civil Service statute, passed May 24, 1884, which declares "* * * * such examinations shall be practical in their character and, so far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of that service into which they seek to be appointed."

Thanking you on behalf of General Sickles and his colleagues for the good wishes you so kindly convey to them and assuring you of their appreciation of your suggestions, I am, sir,

Yours very respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, January 16, 1888.

HON. CHARLES F. TABOR,

Attorney-General, Albany, N. Y.:

DEAR SIR.—I have the honor to communicate to you the following resolution adopted by the New York Civil Service Commission at a meeting held January tenth last :

Resolved, That the Attorney-General be respectfully requested to advise this Commission whether the statutes giving a preference to honorably discharged soldiers for appointments to office, under the Civil Service acts, are confined to honorably discharged soldiers of the last war (1861 to 1865), or whether in his opinion such statutes embrace all honorably discharged soldiers.

I am sir, yours very respectfully.

CLARENCE B. ANGLE,

Secretary.

STATE OF NEW YORK.

CIVIL SERVICE COMMISSION,
ALBANY, January 26, 1888. }

SIR.—I beg leave to call your attention to the following resolutions adopted by this Commission:

Resolved, That for the purpose of perfecting the classification of the Civil Service of the State, of clearly defining the proper method of entrance into each position covered by the Civil Service rules, and of facilitating the detection and correction of irregularities, a complete roster be made of those employed by the State, said roster to be kept in the office of the Commission, and amended from time to time as changes are reported.

Resolved, That each appointing officer and the head of each public State institution, be requested, in addition to the reports heretofore required by the terms of Rule 43, to give to the Commission quarterly, on the first day of the months of January, April, July and October in each year such information as may be necessary to make complete the record called for by the above resolution.

It is the desire of the Commission to have upon its records the name and position of every person employed by the State, whatever the nature of the employment, with the title of the office, by whom the position is filled, according to law (if the office or employment should be appointive), the salary attached to the position, and the date of his or her entrance into such position.

A thoroughly complete record of this character, it is believed, has never existed in this State. For many purposes it will be of great

value, and for the thoroughly successful working of the system of selections for positions in the public service, for the establishment of which this Commission was organized, it is indispensable.

The Commission feels that it can properly count upon the coöperation of the heads of departments and institutions, and other public officers, in the labor of preparing the proposed roster, and therefore asks you to kindly furnish to it a full list of all those connected with your office, department or institution, with the several items of information concerning them, above indicated.

I am sir,

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

STATE OF NEW YORK :

OFFICE OF SECRETARY OF STATE,

ALBANY, *February 1, 1888.* }

GENTLEMEN.—On the thirty-first of December last, Benjamin Haag, a clerk in this office, retired from the position of bookkeeper, etc., held by him in this office.

I now respectfully desire to transfer Charles C. Hempel, a clerk in this office, to the position formerly held by Mr. Haag.

Both Mr. Hempel and Mr. Haag were appointed to clerkships in this office January 1, 1886, after non-competitive examinations, the positions held by each having been placed by your board in the non-competitive class, and both served in the office during 1886 and 1887.

The monthly compensation of Mr. Hempel and Mr. Haag have been equal and the same (at the rate of \$1,620 per annum), and Mr. Hempel's compensation is now so continued.

Mr. Hempel is a bookkeeper of former experience in a banking house, and has since January 1, 1888, taken charge of the duties of Mr. Haag's desk.

I have appointed Freeborn G. Jewett as stenographer, etc., in this office, to take effect February 1, 1888, and he is to assume also substantially the duties heretofore performed by Mr. Hempel.

His salary has been fixed at \$2,200.

Trusting that the changes herein stated may meet with the approval of your board, I am

Yours truly.

FREDERICK COOK,

Secretary of State.

The Honorable CIVIL SERVICE COMMISSION, *Albany, N. Y.*

ALBANY, *February 2, 1888.*

HON. FREDERICK COOK,
Secretary of State:

DEAR SIR.—I have the honor to acknowledge the receipt of your communication of yesterday's date, informing the Commission of your desire to transfer Charles C. Hempel to the position of book-keeper formerly occupied by Benjamin Haag, and to inform you that such transfer can be made without examination, as both positions are classified in the same schedule and grade and the compensation is not increased.

Very respectfully yours.

CLARENCE B. ANGLE,
Secretary.

ALBANY, *February 20, 1888.*

HON. CHARLES F. TABOR,
Attorney-General, Albany, N. Y.:

DEAR SIR.—I have the honor to transmit to you the following resolution adopted by the Commission February 15, 1888, and approved by the Governor February 18, 1888:

Resolved. That in view of the facts set forth in the communication from the Attorney-General, under date of February 3, 1888, the position of assistant to the Attorney-General, in the city of New York, be included in Schedule A, Class 1, Subdivision 2 of the State classification.

Yours very respectfully.

CLARENCE B. ANGLE,
Secretary.

ELMIRA, N. Y., *February 4, 1888.*

CLARENCE B. ANGLE, Esq.,
Secretary Civil Service Commission:

DEAR SIR.—I wish to have my impressions confirmed, if possible, namely: That it is legitimate for me to put on here in charge of our halls, duties as arranged in this prison that amount almost to expert work, a man who has been employed here until a few weeks ago for a period of ten years or more. While his intention was to retire and go into business, I myself considered it really as a leave of absence without pay the weeks he has been away. I am greatly in need now

of his services, and have induced him to take up his old position again, and hope in this I am in accord with the rules and requirements of the Commission.

Hoping to receive an early confirmatory reply, I am

Very respectfully yours.

Z. R. BROCKWAY,

General Superintendent.

ALBANY, N. Y., *February 7, 1888.*

Z. R. BROCKWAY, Esq.,

Superintendent, etc., Elmira, N. Y.:

DEAR SIR.—Referring to your letter of the fourth instant, in which you wish to be informed in regard to your authority to reinstate a man to a position filled by him for a period of ten years, I would say that, in view of the fact that his absence was for but a few weeks and you considered him on leave without pay, his reinstatement would not be a violation of the rules.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *February 8, 1888.*

Hon. A. J. WHITE,

125 Sixth Avenue, New York city:

DEAR SIR.—Referring to your inquiry of the seventh instant, regarding the examination of Mr. Theiss, you are advised that Mr. Theiss was examined provisionally, under Rule 42 (page 213 Report Civil Service Commission, 1887), there being no one at the time eligible. Interpreters are classed in Schedule B, Class 3, Subdivision 3 (see above report, page 200). Under Rule 8, page 201, all persons in that schedule are appointed "from those graded highest as the results of open competitive examinations."

The appointment of Mr. Theiss under the provisional examination will hold good only until an eligible list as the result of a competitive examination has been prepared. As to the character of the examination, see Report, page 231, under heading "Optional Foreign Languages." I send you a copy of the Commission's last annual report.

Yours very respectfully.

JOHN B. RILEY,

Chief Examiner.

HUDSON RIVER STATE HOSPITAL,
POUGHKEEPSIE, N. Y., *February 13, 1888.* }

CLARENCE B. ANGLE,

Secretary Civil Service Commission, Albany:

DEAR SIR.— Please inform me if the “transfer without examination
* * * from a position in one * * * institution
to a similar position in another * * * institution,” etc.,
as mentioned in Rule 37, is restricted to a transfer from one State
institution to another State institution. .

Or, does this rule permit the transfer of an assistant physician (who
has passed the New York City Civil Service examination) from a New
York city lunatic asylum to the position of an assistant physician in the
Hudson River State Hospital.

Yours truly.

JOSEPH M. CLEAVELAND,
Superintendent.

● ALBANY, *February 15, 1888.*

JOSEPH M. CLEAVELAND, M. D.,

Superintendent Hudson River State Hospital, Poughkeepsie, N. Y.:

DEAR SIR.— Replying to your communication of the thirteenth
instant, I would say that Rule 37 refers to transfers in State offices
and institutions.

The Commission might authorize the transfer of an assistant physi-
cian from a New York city lunatic asylum to the Hudson River State
hospital without further examination upon presentation of the certifi-
cate of the New York city Civil Service board, as the position is a non-
competitive one. Should you wish to send the transfer papers,
together with such certificate, I would take pleasure in presenting
them to the Commission.

Very respectfully yours.

CLARENCE B. ANGLE,
Secretary.

ALBANY, *February 16, 1888.*

HON. SAMSON LACHMAN,

Justice Sixth District Court, New York city:

DEAR SIR.— I have the honor to inform you that, at a meeting of the
Commission held yesterday your communication under date of January
twenty-sixth was read, and it was decided that, the board has no

authority to allow payment to a candidate for services rendered previous to the day of examination.

The question of compensation previous to the day of examination would seem to be one for the Comptroller.

Yours respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *February* 16, 1888.

Messrs. J. H. EGGLESTON and H. E. DUDLEY, of the Board of Health,
Angelica, N. Y.:

GENTLEMEN.—The attention of this Commission has been called to the fact that B. C. Wakely, M. D., has been appointed health officer, without the examination required under the rules for the Civil Service. As it has been charged that the person appointed is incompetent, the inclosed blank should be properly filled and returned to this office, in order that steps may be taken to fill the office legally.

Yours respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *March* 8, 1888.

EDWIN M. HOLBROOK, Esq.,

Clerk, Board of Claims, Albany, N. Y.:

DEAR SIR.—I have the honor to inform you that the following resolutions were adopted by the Civil Service Commission at a meeting held February 27, 1888, and approved by the Governor to-day:

Resolved, That in view of the facts set forth in the communication of the clerk of the Board of Claims, Schedule A, Class 1, Subdivision 2, be amended by the insertion therein of the following: "Clerk and deputy clerk of the Board of Claims."

Resolved, That in view of the facts set forth in the letter from the clerk of the Board of Claims, under date of February 23, 1888, and the correspondence between him and the Attorney-General, touching the status of the stenographer of the board, it is ordered that he be classified the same as stenographers of courts.

Yours very respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *March 9, 1888.*Hon. CHARLES F. TABOR, *Attorney-General:*

DEAR SIR.—I am directed to transmit to you the following resolution adopted at a meeting of the Civil Service Commission held March 7, 1888:

Resolved, That this board having received a communication under date of March first inst., from Henry E. Barton, an applicant, who asks to be examined for the position of clerk in the office of the board of electrical control, and this board having some doubts as to its jurisdiction in the matter, the opinion of the Attorney-General is respectfully requested as to whether the board of electrical control are State or municipal officers.

Very respectfully yours.

CLARENCE B. ANGLE,

*Secretary.*ALBANY, *March 16, 1888.*

Mr. R. F. FARRELL,

29 Park Row, New York city:

DEAR SIR.—Examinations for court officers and attendants are in the non-competitive class, and the examinations are ordered whenever nominations for filling a vacancy are received from the appointing officers.

Yours respectfully.

CLARENCE B. ANGLE,

*Secretary.*ALBANY, *March 16, 1888.*

Mr. W. E. HENDRICKS,

1110 Walnut Street, Elmira, N. Y.:

DEAR SIR.—In reply to your letter of the fourteenth inst., I would state that the minimum limit of age for all clerical positions is fixed by the rules at twenty-one years at the time of application.

Yours respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *March* 18, 1888.

Z. R. BROCKWAY, Esq.,

Superintendent, etc., Elmira, N. Y.:

DEAR SIR.—Your communication of the seventeenth inst., stating that you have canvassed the three names certified from which to make a selection for filling the position of bookkeeper in the State Reformatory, and that the persons are not adapted to that institution, is at hand.

The second paragraph of Rule 17 for the Civil Service says:

“From the three persons whose names are so certified the officer shall make a selection,” etc. If there are no persons on the eligible list sufficiently qualified to fill the vacant position, the Commission has power to order a new or special examination, but in no other case that I am aware of. I will take pleasure in laying the matter before the Commission, if you wish me to do so, but I have no authority to send a second certification until a selection is made from the first. I presume you understand that all appointments are made for a probationary period only.

An examination is required by the rules for promotion from guard to keeper, and from keeper to principal keeper.

The nominations of persons for promotion should be sent to this office. Principal keepers are included in Schedule E, Class 6, Subdivision 3, fourth grade of the State classification. Rule 31 relates to filling vacancies in said schedule, and is as follows:

“The positions in Schedule E shall be filled, when vacant, by the promotion of one of those in the service in the lower grades of the same subdivision in the department, offices or institution in which the vacancy or vacancies may occur. Promotions shall be made subject to the provisions of these rules by the officer or officers having the power of appointment. If, in the judgment of such officer or officers, there be none found in the lower grades fit to perform the duties in such vacant positions, in that case, and in no other, the position may be filled in the same manner as is prescribed by these rules for filling the positions in the lowest grade of the same subdivision and class. Promotions shall be made by successive grades; in case of vacancy in any position in this schedule, it shall be filled by selection from the next inferior grade, if there be any person in such grade fit for promotion; and if there be no such person, then the promotion shall be made by selection from the next inferior grade, and so on until all the inferior grades are exhausted, and no person therein found fit, when the position shall be filled by appointment as above provided.”

Should you have no persons in the inferior grades who, in your judgment, are fit to perform the duties of principal keeper, a certification of persons qualified for keepers can be made from the eligible list.

I am, sir,

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

ROCHESTER, N. Y., *March 19, 1888.*

G. H. TREADWELL, Esq.:

DEAR SIR AND COMRADE.—Being a member of the V. R. W. committee of this city, I would like to get information on the following subjects: Some members of the police board say they will not appoint a comrade who is a candidate on account of age, forty-seven (47), and also will not appoint a comrade who is five feet six inches (5.6) and forty-five (45) years. They claim that Civil Service rules require a man to be five feet seven inches (5.7). The rules of the police department require a man not over forty years or less than twenty-one years, and five feet eight inches (5.8) high. We know that last law on the subject, but whether we can compel in those cases we are a little at sea. Will you kindly give all the information possible in the matter and rules and regulations of the Civil Service for a city like ours, as it is our intention to fight them on any line that antagonizes the rights of our comrades.

All matter and information will be duly appreciated by

Yours in F., C. and L.,

EDWARD W. WILKINSON,

Past Commander Post 1, 36 State street, Rochester, N. Y.

ALBANY, *March 26, 1888.*

EDWARD W. WILKINSON, Esq.,

36 State street, Rochester, N. Y.:

DEAR SIR.—I am requested by Major Treadwell to reply to your communication of the tenth inst.

Section 1 of chapter 464, Laws of 1887, is as follows:

“In every public department and upon all public works of the State of New York and of the cities, towns and villages thereof, and also in non-competitive examinations under the Civil Service laws, rules or regulations of the same, wherever they apply, honorably dis-

charged Union soldiers and sailors shall be preferred for appointment and employment; age, loss of limb or other physical impairment *which does not, in fact, incapacitate*, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved."

I am informed by competent authority that the police board having made it a rule that applicants for appointment must be at least five feet eight inches in stature, it would seem to be the proper body to determine whether or not a person under the required stature was incapacitated for filling the position applied for. The same would apply to the rule in regard to age.

If you have any doubts in regard to this construction of the law, the remedy would be to apply to the courts for a mandamus and have the question tested.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *March 21, 1888.*

To the Board of Electrical Control, New York City:

GENTLEMEN.—I have the honor to transmit to you herewith a copy of an opinion given by the Attorney-General of this State in response to a resolution adopted by this Commission.

As the Attorney-General decides that you are State, and not municipal officers, the subordinates hereafter appointed by you will be subject to the rules and regulations of the State Civil Service.

With a view to a proper classification, the Commission would be obliged for a statement of the names, dates of appointments, titles of positions and salaries of all persons in your employ, and also of the nature of the duties required of such persons as you may hereafter desire to appoint.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

ALBANY, *March 23, 1888.*

JAMES G. GRAHAM, Esq., *Newburgh, N. Y.:*

DEAR SIR.—Your letter of the fourteenth addressed to General Sickles, referring to the position of "superintendent at headquarters," has been referred to me for reply.

Your are advised that in the month of January, 1887, yourself, J. T. Headley and E. C. Boynton, of Newburgh, were designated by the Civil Service Commission as a "special board of examiners to ascertain and report upon the fitness of the person nominated by the board of trustees of Washington headquarters for the position of superintendent of the headquarters, and to report to the said trustees for appointment, the person who shall be found to be best fitted for the position as the result of said examination."

The powers vested in said examiners have not been revoked, and in case of vacancy in said position, they will examine such candidates as may be named by the board of trustees.

The examiners will make a report of any examination held by them to the Civil Service Commission.

Very respectfully yours.

JOHN B. RILEY,
Chief Examiner.

ALBANY, *March 23, 1888.*

JACOB VAN VALKENBURG, M. D., *Sharon, N. Y.:*

DEAR SIR.—As you already hold a certificate of qualification as health officer for the town of Sharon, a reëxamination will not be required to entitle you to a reappointment to the same office.

Respectfully.

CLARENCE B. ANGLE,
Secretary.

POLICE COMMISSIONERS' OFFICE,
ROCHESTER, N. Y., *April 3, 1888.* }

To the Honorable Civil Service Board:

GENTLEMEN.—By direction of the police commissioners I inclose you this article. The board is informed by a letter from the police commissioners of New York that they appoint no one over thirty years of age. Our board have cited them three names as eligible for appointment as policemen, all soldiers, the first on the list being forty-seven years of age. The commissioners think that a person of that age, or any over forty, is too old for good, effective duty. They would like to know what their rights are.

Respectfully.

B. FRANK ENOS,
Clerk.

ALBANY, April 5, 1888.

B. FRANK ENOS, Esq.,

Clerk, Police Commissioners, Rochester, N. Y.:

DEAR SIR.—Your letter of the third instant referring to the appointment of policemen in your city is received.

The State Civil Service Commission disclaim any jurisdiction in the matter of the enforcement of regulations in the several cities of the State.

It is impossible to intelligently advise municipal officers regarding the construction of the law relating to their respective cities, without examining the special laws affecting them. I suggest that your corporation counsel be consulted.

In my judgment, however, boards of police commissioners may, by regulation, decide upon some limit of age which does, in fact, incapacitate applicants for appointment to positions in the police service. In my opinion chapter 464, Laws of 1887, does not take away this right.

Very respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, April 5, 1888.

HON. EDWARD WEMPLE,

Comptroller, Albany, N. Y.:

DEAR SIR.—Your letter of the first instant notifying the Civil Service Commission of the appointment of William J. Trimble to a temporary position as copyist and assistant accountant, and also informing the Commission that such appointment was made necessary on account of additional labor imposed upon your department by requests of the Legislature for information and statistics is before me.

You are respectfully advised that the mode of selecting persons for temporary appointment or employment is defined by Rule 34. (See report of Commission, 1887, page 211.)

Names of persons eligible for temporary appointment or employment will be sent you upon application.

Yours very respectfully.

JOHN B. RILEY,

Chief Examiner.

ALBANY, April 6, 1888.

DEAR SIR.—The rules of the Commission now provide for the examination of applicants for appointment to the position of keeper and a separate eligible list of guards and keepers is kept.

I am led to doubt the wisdom of providing for the appointment to the position of keeper in the first instance. In my judgment it would be better to provide that all appointments should be to the position of guard, and that the agents be allowed to promote to the position of keeper without restriction.

I wish you would kindly give me your views upon this subject at your earliest convenience as I desire to submit the matter to the Commission at their next meeting.

Yours very respectfully.

JOHN B. RILEY,
Chief Examiner.

A. A. BRUSH, Esq., *Agent and Warden, Sing Sing, N. Y.*

STATE OF NEW YORK:

OFFICE OF THE AGENT AND WARDEN OF SING SING PRISON, }
SING SING, April 7, 1888.

HON. JOHN B. RILEY,

Chief Examiner Civil Service Commission, Albany, N. Y.:

MY DEAR SIR.—I have the honor to acknowledge the receipt of yours of the sixth inst., relative to the appointment of keepers and guards, and in reply would say that I am clearly of the opinion that all should be appointed to guard in the first instance, unless a list should be made for the position of keepers of those who have done long and continuous service in prisons; otherwise all should be appointed as guards.

Trusting that this fully answers your letter, I am

Yours most truly.

A. A. BRUSH,
Agent and Warden.

ROCHESTER, N. Y., April 9, 1888.

HON. JOHN B. RILEY, *Chief Examiner:*

DEAR SIR.—Referring to my conversation with you at Albany last week, and to the fact that, through negligence or inadvertence, what appears to be mutual on the part of our board of managers and your Board of Civil Service Commissioners, the Civil Service law remains to be applied to the State Industrial School here, I would say that, after consultation with a number of managers and the superintendent, we have reached the conclusion that the best interests of the service

and of the wards of the State will be subserved by leaving the board entirely free to choose the following officers: Superintendent, first assistant superintendent, second assistant superintendent, chaplain, physician, matron female department, matron boys' primary department.

There are, to our minds, conclusive reasons why these officers should be — why some of them necessarily must be — sought for when wanted.

Further, that the present list of officers be allowed to stand as it is, subject to non-competitive examination. Many of them have been with us a long time and are peculiarly well adapted to the positions. Yet, if they should be required to compete with others really less suited to the work they might, upon mere technicalities or rote learning, be set down as inferior and cast out. Your own experience with Indian schools must enable you to appreciate the singularity of the work of dealing with 400 wayward male and 100 female youths, ranging from six to sixteen years of age, looking after them every moment from the time they rise in the morning until they retire at night.

Starting now, with all hereafter to be employed, aside from the seven exceptions already named, we will be satisfied with whatever your board and yourself may prescribe for the future, as to classification, examination, etc.

Yours, etc.

W. PURCELL.

ALBANY, *May 2*, 1888.

HON. W. PURCELL, *Rochester, N. Y.* :

DEAR SIR.— Your communication of April ninth to the chief examiner was considered at a meeting held April twenty-seventh, and I was instructed to write and inform you in regard to the classification under the Civil Service Rules of the positions in the State Industrial School at Rochester.

The positions mentioned in your letter are all subject to non-competitive examinations under the rules. (See pages 205, 206, Rules 21–26, Fourth Report Civil Service Commission.)

Teachers are subject to competitive examination under Schedule B of the State classification. (See pages 201–203.)

The lower classes of positions are filled through non-competitive examinations under Schedule D. (See pages 203–208.) A board of examiners for these positions has been designated by this Commission for the State Industrial School, to consist of the assistant superintendent, the second assistant superintendent and the principal teacher.

The Schedule D examiners are required to report to the Commission quarterly the results of all examinations held by them and to keep a record of their proceedings.

The Commission decided to allow the present force of employes to stand without examination, but that hereafter such changes as may be made must be in accordance with the rules.

I send to-day a copy of the Commissioners' Fourth Report.

I am, sir, very respectfully yours.

CLARENCE B. ANGLE,
Secretary.

MAYOR'S OFFICE, CITY HALL,
BROOKLYN, April 21, 1888. }

In pursuance of the eighth section of chapter 354 of the Laws of 1883, as amended by chapter 357 of the Laws of 1884, and chapter 410 of the Laws of 1884, I, Alfred C. Chapin, mayor of the city of Brooklyn, hereby prescribe and make the following amendments to the regulations as heretofore, and on the 30th of June, 1886, prescribed by the mayor of the city of Brooklyn, for the admission of persons into the Civil Service of said city, these amendments to take effect upon their approval, pursuant to law, by the Civil Service Commission of the State of New York:

BROOKLYN, April 26, 1888.

To the Civil Service Commission of the State of New York:

SIRS.—The secretary of the Civil Service Commission of Brooklyn has submitted to me a letter of your secretary of the twenty-third instant, requesting "a statement of the reasons in support of each" of the amendments to the Civil Service regulations of Brooklyn lately submitted by the mayor of that city to your body for approval.

The regulations so submitted to the mayor of Brooklyn were prepared under the direction of the Civil Service Commission of that city, after conference with the mayor. They are chiefly needed to rectify difficulties of detail that have arisen. They do not propose any change whatever in the principles or theory of the regulations.

Amendment 1, Regulation 4. The words "upon the request of the Commission" are intended to leave it optional with the Commission whether officers of the fire and police departments shall be called upon to aid in the examinations for those departments. The sentence commencing with the words "in the examination of candidates" was taken from former regulations in existence prior to September, 1884, when the fire department and police department had separate examining boards. In practice it is frequently inconvenient to have officers of either force act upon examinations, although where it is

convenient the Commission prefers to have them so act. In practice this requirement of Regulation 4 seems to have been largely ignored as inconsistent with the first sentence of Regulation 18.

Upon reëxamining the language I should be glad if the State Commission felt able, to insert the words "upon the request of the Commission" between the words "assistant engineer shall" and the words "constitute part of the examining board." This makes the sense a little more intelligible than to have the words "upon the request of the Commission" at the beginning of the sentence.

Amendment 2, Regulation 4. This is a change in detail to avoid unnecessary labor.

Amendment 3, Regulation 4. The expenses of the Commission have been practically found to exceed \$1,500 a year, and there seems to be no reason why the regulation should impose any other limitation than the amount of the appropriation.

Amendment 4, Regulation 12. Inasmuch as the heights, weights and chest measurements of candidates for the police are regularly ascertained upon the physical examination to which the experts of the Civil Service Commission subject them, the certification by the department surgeons is unnecessary.

Amendment 5, Regulation 13. There seems to be no reason why the commissioner of police, who is at the head of a large uniformed force frequently requiring many appointments, should not in this respect have the same privilege as the fire commissioner. The commissioner of police has asked that this amendment be made; and the Civil Service Commission approve it, inasmuch as it does not tend to amplify the field of choice on the part of the police commissioner, but to assure a greater probability of the selection of candidates in the order in which they stand upon the eligible list.

Amendment 6, Regulation 18. This strikes out words taken into the regulation by clerical mistake from the former Civil Service regulation.

Amendment 7, Regulation 18. This simply leaves it discretionary with the Civil Service Commission to employ surgeons of the police and fire departments in the physical examinations. It seems usually better to have one expert chosen from the department and one outside to preclude criticisms upon the fairness of the examinations.

Amendment 8, Regulation 18. It seems wise both to the mayor and the Civil Service Commission that the Commission should decide without the intervention of the mayor, the detail of the employment of experts in physical examinations.

Amendment 9, Regulation 29. This amendment is desired by the fire commissioners to meet the case of two detailments, members of the

uniformed force, to special duties, for which additional compensation ought to be provided. These detailments have been in operation for several years, but it is doubtful whether the additional compensation is allowable under the regulations as they stand.

Amendment 10, Regulation 36. This is intended to make the civil list more instructive and to enable the mayor, the heads of departments, the Civil Service Commission and others, more readily to ascertain the details of the official career of any employé.

Amendment 11, Regulation 37. The power to revoke any schedule, list or other paper or record is probably implied in the "power to correct any error and amend any schedule, list or other paper or record."

But the mayor and the Brooklyn Commission desire that there may be no doubt upon this matter, as it is possible that in one or two cases the errors can not be rectified and substantial justice done without ordering a new examination.

Amendment 12, Appendix C. This corrects a clerical error in the regulations. The pavers who are upon competitive examination, are not and never were the pavers in the engineer's bureau, but have always been and are the pavers in the bureau of extension and distribution. This appears clearly from Appendix E, where the competitive places are classified for the purpose of examination. Class 40 is the only class of pavers, and it includes the paver in the "bureau of extension, department of city works," and no other pavers. The paver in that bureau is a man steadily employed at an annual salary; the pavers in the engineer's bureau are merely superior day workmen employed only for parts of the open season.

EDWARD M. SHEPARD,

Chairman of the Civil Service Commission of Brooklyn.

ALBANY, April 30, 1888.

HON. ALFRED C. CHAPIN, *Mayor, Brooklyn, N. Y. :*

DEAR SIR.—I have the honor to inform you that at a meeting of the Civil Service Commission, held April 27, 1888, the amendments to the regulations for the city of Brooklyn, submitted by you for approval, were considered in detail and it was

Resolved, That the amendments to the regulations for the city of Brooklyn, with the changes made by this Commission, stand approved as follows :

I.

In Regulation 4, between the words "assistant engineer shall" and the words "constitute part of the examining board," insert the words "upon the request of the Commission."

II.

In Regulation 4, after the words "the schedule of rating of the candidates and the certificate or certificates upon each examination and of recommendation shall be signed," strike out the words "the committee, if any, conducting the examination and by."

III.

In Regulation 4, strike out the words "fifteen hundred dollars per annum," and insert instead the words "the amount which may have been appropriated for their expenses."

IV.

In Regulation 12, next after the words "department surgeons," insert the words "or ascertained upon examination by the experts of the Commission."

V.

In Regulation 13, strike out the words "the fire commissioner when he needs" and insert the words "either the fire commissioner or the commissioner of police when he needs," and after the words "fire commissioner," where they occur before the words "in accordance with Regulation 19" insert the words "or commissioner of police."

VI.

In Regulation 18, strike out the words "or examiners as specified in the police and fire departments."

VII.

In Regulation 18, insert the words "upon the request" and before the words "under the authority and supervision of the Commission" at each of the two places where those words occur.

VIII.

In Regulation 18, strike out the words "with approval of the mayor."

IX.

In Regulation 19, add the words "the additional compensation, if any, to be approved by the mayor and not to exceed the rate of \$250 a year."

X.

In Regulation 36, after the words "the salary or compensation thereto attached" and before the words "a brief specification," insert the words "the time he has held such office, the time he has been in the service of the city of Brooklyn, and the places in that service he has filled."

XI.

In Regulation 37, after the words "correct any error and amend," insert the words "or revoke," and after the words "it shall not be altered," insert the words "or revoked."

XII.

In Appendix C, under the head "Department of city works," under subhead "Engineer's bureau," strike out the word "pavers" and insert under the subhead "Bureau of extension and distribution," after the words "inspectors of cut-off water," the word "pavers."

By the Commission.

CLARENCE B. ANGLE,

Secretary.

April 30, 1888.

ALBANY, June 5, 1888.

HON. EDWARD WEMPLE, *Comptroller*:

DEAR SIR.—I have the honor to inform you that at a meeting of the Civil Service Commission held June 1, 1888, the following resolution was adopted:

Resolved, That the resolution presented by the Comptroller permitting the promotion of the messenger in his department to a clerkship is disapproved.

I also transmit to you herewith a copy of a resolution as adopted by this Commission June first and approved by the Governor to-day.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

MAYOR'S OFFICE,
BUFFALO, N. Y., April 26, 1888. }

The Honorable the Civil Service Commission, Albany, N. Y.:

GENTLEMEN.—Inclosed find some slight amendments that, with your approval, I propose making in the "rules for admission to the Civil Service of the city of Buffalo," and I would say of them generally that they are meant to facilitate the application of the rules and are demanded by our experience in this city, where it has been a constant effort to induce or secure compliance with the law and rules.

The utility of the proposed amendment to Section 5 of Rule 11 will be apparent when I state that we have in this city quite a distinct

Polish settlement, as well as an Italian colony, and have not been able to secure a single patrolman of either nationality.

The amendment to Rule 8 is desirable for the reason that some of the positions in Schedule C do not require that degree of mental attainments necessary to fill out an application, and the whole rules are scoffed at because a bridge-tender, pound-keeper or scavenger is required to take the pen in hand to demonstrate his ability for purely physical employment.

The amendment to Rule 13 should have been made before the last appointment of a city chemist, and thus have saved a long and animated discussion in the board of health and the daily press over an opinion of the corporation counsel that an "M. D." is, or might be, the equivalent of a "B. S," there not being a single candidate among several practical chemists applying who supported the title of "B. S."

And the amendment to Rule 20 is in my opinion obviously desirable as a matter of justice to applicants who have complied with the rules and passed an examination.

The changes in schedules are, in my opinion, all desirable, and I can not anticipate any objections to them.

The deputy city clerk is now the only deputy in the departments who is required to pass an examination. The rod and ax men in the engineer's office and the street inspectors are but little more than laboring men, and if possessed of a good strong body and substantial character the next qualification is that they reside in the particular portion of the city where their services are mostly desired.

The street inspectors especially are appointed and employed in the respective wards, and we find it extremely difficult to open a competitive examination for them.

The harbor-master is determined by our corporation counsel to be the head of a department. The drivers of patrol wagons are but few and require a peculiar fitness or adaptability.

If any objections appear to your honorable board, I shall be pleased to make any further explanations required, but trust that the amendments will meet with your approval.

Yours very respectfully.

PHILIP BECKER,

Mayor.

ALBANY, April 30, 1888.

HON. PHILIP BECKER, Mayor, Buffalo, N. Y.:

DEAR SIR.—I have the honor to inform you that at a meeting of the Civil Service Commission held April 27, 1888, the amendments to the Buffalo regulations, submitted by you for approval, were considered in detail and action thereon was taken as follows:

I.

Amendment to Section 5 of Rule 11. "No person whose standing on any of the qualifications or obligatory subjects enumerated above is less than 50, or whose ascertained average on all is below 70, shall be placed upon the eligible list, except that subject to the provisions of Rule 17 the Commission may, upon request of the board of police, omit obligatory subjects a, b, c, d and e in examining applicants for the appointment of not more than five Polish or Italian patrolmen." *Disapproved.*

II.

Amendment to the first paragraph of Rule 8. "Applications must be addressed to the secretary of the Civil Service Commission, Buffalo, N. Y., and for positions in Schedule B must be in the handwriting of the applicants." *Disapproved.*

III.

Amendment to second paragraph of Rule 13. "If the position to be filled is that of city chemist, the applicant must produce satisfactory evidence that he is a practical chemist of experience." *Approved.*

IV.

Amendment to Rule 20. Omitting therefrom the first paragraph being the first five lines of the rules as printed. *Approved.*

V.

Amendments to Schedule A. "City clerk's department.—City clerk and deputy city clerk."

"Harbor-master's department.—The harbor-master." *Approved.*

VI.

Amendment to Schedule B. Approved as follows:

"Engineer's department.—One lamp inspector, nineteen rodmen, all draughtsmen."

VII.

Amendment to Schedule B. Omitting "street department.—Ten street and health inspectors." *Disapproved.*

VIII.

Amendment to Schedule C. "City clerk's department.—General index and recording clerk." *Disapproved.*

IX.

Amendment to Schedule C. Approved as follows: "Engineer's department.—All axmen."

X.

Amendment to Schedule C. "Street department.—General inspector, all street and health inspectors." *Disapproved.*

XI.

Amendment to Schedule C. "Common council appointments. Omit one harbor-master." *Approved.*

XII.

Police department. Add "all drivers of patrol wagons." *Approved.*
April 30, 1888.

By the Commission.

CLARENCE B. ANGLE,

Secretary.

ALBANY, April 30, 1888.

HON. CHARLES F. TABOR,

Attorney-General, Albany, N. Y.:

DEAR SIR.—I am directed by the Commission to refer to you the inclosed communications from John D. Teller and Captain Frederick Cocheu, and to respectfully request that you will furnish them with your opinions. First, as to whether or not Teller is entitled to compensation as examiner under chapter 357, Laws of 1884, and second, as to whether Cocheu is entitled to appointment to the position applied for under chapter 464, Laws of 1887.

I am sir,

Very respectfully yours.

CLARENCE B. ANGLE.

Secretary.

ALBANY, May 18, 1888.

HON. MORTIMER V. AUSTIN, Mayor, Auburn, N. Y.:

DEAR SIR.—I have the honor to acknowledge the receipt of your communication of the seventeenth instant, and in reply to your inquiries would state. First: There is nothing contained in the Civil Service rules which interferes with the power of removal (existing by law) on the part of any officer or board. Second: Nothing contained in the Civil Service Law or rules requires that charges must be made,

proven and established before a person can be removed from office and a successor appointed. Third: The terms of appointment of the employés of the board of health would cease immediately upon the appointment of their successors in accordance with the rules for the Civil Service.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

MAYOR'S OFFICE,
BUFFALO, N. Y., May 23, 1888. }

The Honorable the Civil Service Commission, Albany, N. Y.:

GENTLEMEN.—Some months ago the position of general inspector was created in the street department of this city, and was placed by me in Schedule C, pending the approval of your honorable body, as the position is in reality that of a deputy, he having charge and supervision of ten street and health inspectors.

This amendment to Schedule C was recently sent to you, together with one changing all the inspectors to that schedule, and was disapproved.

I would now ask your approval of the designation of general inspector in Schedule C, and trust that it will appear to you, as it does to me, a matter of right and in the interests of good government, as well as a better observance of the Civil Service regulations, that this position should be in Schedule C.

The present temporary appointee has made application for an examination under Schedule C, and I feel that inasmuch as there is an eligible list in B, so that he must be excluded if the position remains in that schedule, it would be an injustice that we could not remedy.

We have had more trouble with the appointment of these inspectors than with all the balance of the service this year, owing principally to the seeming inability to secure satisfactory men by competitive examinations.

Yours respectfully.

PHILIP BECKER.

Mayor.

ALBANY, June 4, 1888.

HON. PHILIP BECKER, *Mayor, Buffalo, N. Y.:*

DEAR SIR.—I have the honor to inform you that at a meeting of the Civil Service Commission held June first instant, your communication under date of May 23, 1888, was read and considered and the following resolution adopted:

Resolved, That the action of the mayor of Buffalo placing the position of general inspector in the street department of that city in Schedule C of the city classification, be and hereby is approved.

By the Commission.

Very respectfully,

CLARENCE B. ANGLE,

Secretary.

ALBANY, June 4, 1888.

HON. A. C. CHAPIN, *Mayor, Brooklyn, N. Y.:*

DEAR SIR.—At a meeting of this Commission held June first instant, members of the former Civil Service Commission, of Brooklyn, appeared and protested against the action taken by the present Commission in revoking an eligible list.

I was instructed to transmit to you the papers presented to this Commission, and also inform you of the adoption of the following resolution:

Resolved, That the communications presented by two members of the former Civil Service Commission of the city of Brooklyn be referred to Mayor Chapin, with the request that all action under Rule 37, as amended April 27, 1888, be suspended until the mayor and the present Commissioners of Brooklyn have had an opportunity to be heard.

By the Commission.

Very respectfully,

CLARENCE B. ANGLE,

Secretary.

OFFICE OF THE
COMMISSIONERS CIVIL SERVICE OF THE CITY OF BROOKLYN,
CITY HALL, 12th June, 1888. }

The Honorable the Civil Service Commission of the State of New York:

SIRS.—Your communication of the fourth instant, to his honor the mayor of Brooklyn, informing him that at a meeting of your honorable body held on first June, two members of the former Civil Service

Commission of Brooklyn appeared and protested against the revocation by the present Commission of Brooklyn of an eligible list, and transmitting a copy of the resolution adopted by your honorable body on the first instant, requesting that all action under Rule No. 37, as amended April 27, 1888, be suspended until the mayor and the present Commission of Brooklyn have had an opportunity to be heard, has been referred by the mayor to the Civil Service Commission of Brooklyn, with the request that it ask a hearing if it desires one. The mayor has also referred to the Commission the papers officially transmitted with your communication to him, being, as the Commission understands, the papers submitted upon the protest before your honorable body. These papers consist of newspaper clippings, without official or other verification, five in number and entitled as follows:

1. "Political shystery. E. Morse Shepard pettifogs himself into notice again."

2. "Shepard's reform. His little Civil Service job to be consummated. The eligible list threatened."

3. "Shepard's reasons why 307 men must undergo another examination."

4. "Preston protests against revoking the eligible list of uniformed firemen. Mayor Chapin appealed to."

5. "Against revoking. Candidates to a man want the eligible list to stand as it is."

No other papers are submitted, and we therefore assume that the two former members of the Commission adopted these articles as the form of their protest to your Board.

In behalf of the Commission, and upon request of the mayor, I beg respectfully to reply to your communication. You will doubtless recall that when Mayor Chapin proposed for your concurrence, pursuant to law, certain modifications of the Brooklyn regulations, there was submitted to you in his behalf, and in behalf of this Commission, a written communication from the undersigned briefly stating the reasons for the proposed changes. No oral communication was made to your body. The written communication contained the following passage:

"Amendment No. 11, Regulation No. 37. The power to revoke any schedule, list or other paper or record is probably implied in the power to correct any error and amend any schedule, list or other paper or record. But the mayor and the Brooklyn Commission desire that there may be no doubt upon this matter, as it is possible that in one or two cases the errors can not be rectified and substantial justice done without ordering a new examination."

Your honorable Board will therefore perceive that although the power to revoke any list, past or future, was put beyond doubt, still the amendment was made, and was so stated to your Board to be made in direct and special contemplation of the possible revocation of at least one eligible list then existing. The language of the amendment, covering, as it clearly does, existing as well as future lists, precisely conforms with its intention thus clearly stated to you.

It does not appear from the communication before us that it is supposed your Board has power to review the action of the Brooklyn Commission under the modified regulation No. 37. Nothing to that effect is mentioned in the regulation itself, and we have not yet been informed that any such appellate power is elsewhere granted.

The Brooklyn Commission will most gladly furnish your Board, either personally or in writing, with such information upon this or upon any other part of the administration of the reform law in Brooklyn, as your Board may desire. The reasons for our action we shall gladly lay before you if you wish. Your communication of the fourth inst., does not, however, ask for information ; and we do not therefore proffer any. It is proper to add that this Commission would not for a moment consent to discuss the truth of irresponsible and scurrilous articles of the character of some of those which two former members of the Commission seem to have thought a proper basis for action on your part.

The eligible list in question was finally and completely revoked on the thirty-first May last, after ample public notice and discussion. Nothing further remained to be done when your honorable Board on first June adopted the resolution, of which you advised the mayor, or on the eleventh June, when the resolution was officially communicated to us. There are, therefore, no proceedings for either the mayor or for this Commission to suspend pursuant to your request.

A new examination for firemen has been initiated and will be pressed to a completion with the utmost possible dispatch, as at present Brooklyn is without a list from which firemen can lawfully be chosen. As a new examination would be quite within the power of the Commission, even if the former eligible list were in existence, we assume that your honorable Board would not suggest delay in the examination even if you contemplated the assertion and exercise of appellate power.

I beg to remain,

Very respectfully.

EDWARD M. SHEPARD.

Chairman of the Civil Service Commission of Brooklyn.

BROOKLYN, July 19, 1888.

To the Civil Service Commission of the State of New York:

SIRS.—The undersigned, William I Preston, as chairman of the Civil Service Commission of the city of Brooklyn for 1886 and 1887, and Dr. Paul H. Kretzschmar, as chairman of the subcommittee on fire positions, do solemnly protest against the action of the present Commission, of which Mr. Edward M. Shepard is chairman, in adopting a minute at its meeting on or about May 31, 1888, revoking the eligible list for uniformed firemen, dated October 22, 1887.

We again present to your Board copies of papers heretofore submitted, to wit :

Letter from Mr. Shepard, chairman, to Mr. Preston, of date May 10, 1888.

Letter Preston to Shepard, bearing date May 12, 1888.

Letter Dr. Kretzschmar to Shepard, of date May eighteenth, containing letter from Fire Commissioner Ennis.

Letter Shepard to Dr. Kretzschmar of same date ; also list of names on the eligible list.

An account of proceedings of the Commission, of date May nineteenth, and statement of Shepard.

Protest of Preston and Kretzschmar to Hon. A. C. Chapin, mayor, of date May 28, 1888.

An account of the meeting of the men on the eligible list before the Commission, May 29, 1888.

In addition to the reasons set forth in these exhibits, we also desire to further protest against the revocation, on the ground that the Commission has no legal authority to judicially review or revoke the action of its predecessor. If it be claimed that the former Commission has done an unlawful act, the court is the only tribunal that can take cognizance of such wrong-doing and after a hearing grant such relief as the law may provide. If a Commission can sit in judgment upon the proceedings of its predecessor or predecessors, then the whole Civil Service system becomes an adjunct of party politics, in which partisan prejudice is likely to predominate, and a door is opened whereby an ambitious, designing, crafty man may seek to disgrace and humiliate honorable and upright men who have devoted their time and ability, without fee or reward, to the improvement and elevation of the Civil Service.

If the machinery used in administering the Civil Service law, which is intended to secure reasonable qualifications, fair character, capacity and efficiency on the part of official servants, can be wrested from its legitimate and proper use in the manner that the present Commission

has done, then Civil Service reform will suffer serious injury, and its administration will be regarded only a farce by the very men whom the law was designed to aid by putting them on an equal basis with all others.

We further protest, because we controvert and deny the statement of (so-called) facts as set forth by the present Commission. It has set up a standard unknown to most, if not all other municipal commissions, and also to the State Commission, as will fully appear by the regulations relating to physical examinations.

We further protest, for the reason that under Regulation 18, bearing upon this subject, which reads as follows: "Excepting as these regulations otherwise provide, the Commission may, in the examinations, give such relative importance to the different subjects or matters of examination, whether mental or physical, or to experience, occupation or training, as to them may seem fit," it becomes entirely a question of judgment, on the part of the Commission, *as to whether it did give such relative importance to the physical examination as to them may seem fit, or whether they did not.*

It is simple folly for the present Commission to set its judgment up against the judgment of its predecessors on this question, and thereupon, as the proceedings state, "for the most serious reasons decide to revoke the eligible list," containing over 300 names of citizens who had passed through the ordeal of the various examinations and tests required to reach the eligible list, and who had thereby acquired rights under the statutes which ought not to be thus summarily taken from them.

We further protest, because the present Commission had accepted and approved the list by heretofore certifying as many as twenty-three names therefrom to the fire department for appointment.

We further protest that under Regulation No. 39, which reads as follows: "No examination, *eligible list*, certificate or *proceeding of the Commission* shall be prejudiced or affected by reason of any omission, informality, or irregularity or *examination* thereon, unless the person complaining or aggrieved shall notify the Commission prior to the completion of the examination of such omission, informality or irregularity, and unless after such notice the Commission shall determine such omission, informality or irregularity to be material." The present Commission has no right, therefore, to prejudice or affect the list in question, and most certainly not to revoke it.

We further protest upon the ground that the amendments to Regulation No. 37, which your honorable Board approved on April 27, 1888, were very quietly obtained without an opportunity being

given to the former Commission to be heard; and that we have good reason to believe that the amendments were secretly sought by Chairman Shepard for the express purpose of enabling him or his Commission to perpetrate this most unjust and illegal action.

Finally, we further protest for the reason that the State Board in 1886 positively refused to allow the amendment or abbreviation of any eligible list formed under the prior administration of Mayor Low, and in order to guard and protect the rights of the men on the eligible lists they required that Regulation No. 43 be made so as to specifically protect and continue all such lists to the end of two years from the date of their formation.

Now, therefore, we respectfully ask your honorable board to revoke and expunge your approval of the amendments to Regulation No. 37 of the Civil Service of Brooklyn, and for which we will ever pray.

WM. I. PRESTON,

Chairman of the Commission in 1886 and 1887.

PAUL H. KRETZSCHMAR,

Chairman of the Subcommittee on Fire Positions in 1886 and 1887.

WHEREAS, In compliance with the request of the mayor of Brooklyn this Board on the twenty-seventh day of April approved a certain amendment to Regulation 37 of the Civil Service Commission of Brooklyn, giving to that board "power to correct any errors or amend or revoke any schedule, list or other paper or record where it appears that any error or injustice has been done;" and

WHEREAS, The said amendment was approved by this board upon the representation made by the chairman of the Brooklyn Civil Service Commission that "it is possible that in one or two cases errors can not be rectified and substantial justice done without ordering a new examination;" and

WHEREAS, The said Brooklyn Commission has proceeded to revoke an entire eligible list comprising more than three hundred names of persons already examined and awaiting appointment; and

WHEREAS, Such action was not contemplated when this board received and considered the communication of the mayor of Brooklyn on this subject; and

WHEREAS, This Board is satisfied that the action taken is improvident and unreasonable and unjust to the persons interested;

Resolved, That the action of this board in approving amendment No. 11, being the amendment to Regulation 37 of the Brooklyn Civil

Service regulations, inserting the words "or revoke" after the word "amend" in the second line of Regulation 37, be and the same is hereby reconsidered, rescinded and annulled, so that Regulation 37 aforesaid stands as if no alteration or amendment had been made.

Attest:

CLARENCE B. ANGLE,

Secretary.

(Adopted July 19, 1888.)

ALBANY, June 11, 1888.

MR. W. C. SMITH, *Elmira, N. Y.:*

DEAR SIR.—I have the honor to acknowledge the receipt of your communication of the ninth instant, asking to be informed in regard to the proper method of certification under Regulation 13 for the city of Elmira.

I would answer your inquiry by quoting the following resolution adopted by this Commission in response to a similar request from the secretary of the Civil Service Board of Albany, Regulation 13 being the same in both cities:

Resolved, That in answer to the communication of W. H. McNaughton, secretary of the municipal service examining board of Albany, dated June 16, 1885, the judgment of this commission is that the proper mode of procedure under Regulation 13 of the Albany city regulations to fill the nine positions now vacant under Schedule B is for the secretary of the municipal board to certify the three names standing highest on the eligible list for one position, and the appointing officer to select from those so certified for that position. Then for the secretary to certify the two names not selected with the name standing next highest for the next position, and the appointing officer to select from the three names so certified, and to proceed in like manner until all the positions shall be filled. But under the provisions of Regulation 15 the same names are not to be sent to the appointing officer more than three times, except by his request.

Inclosed find copy of a letter from the Commission to John A. Sleicher on the subject of the proper method of certification.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

HUDSON RIVER HOSPITAL.
POUGHKEEPSIE, N. Y., July 28, 1888. }

CLARENCE B. ANGLE, Esq.,

Secretary New York Civil Service Commission, Albany, N. Y.:

DEAR SIR.—Miss M. E. Gordon was appointed as supervisor of nurses in December last, a position she fills at present. I would like to nominate her for the position of matron and make a trial of her capabilities for the position for three months.

Miss Gordon is not a citizen of this State and has not the necessary year's residence.

I would respectfully apply to the Commission for an exception in Miss Gordon's case from the restrictions of Rule 35.

Respectfully yours.

J. M. CLEAVELAND,
Superintendent.

At a meeting of the State Civil Service Commission, held August 2, 1888, it was

Resolved, That this Commission recommends to his Excellency the Governor the approval of the following resolution:

Resolved, That the restrictions imposed by Rule 35, as to residence and citizenship, shall not apply to the position of matron of the Hudson River State Hospital for a period of three months.

Attest:

CLARENCE B. ANGLE,
Secretary.

Approved August 6, 1888.

DAVID B. HILL,
Governor.

ALBANY, August 28, 1888.

HON. JAMES CONNOLLY,

Factory Inspector, Albany, N. Y.:

DEAR SIR.—I have to inform you that at a meeting of this Commission held August twenty-second instant, your communication of August eighth was read and considered, and the following resolution adopted and subsequently approved by the Governor:

"*Resolved*, That the position of private secretary to the State Factory Inspector be included in Schedule C of the State classification."

I transmit herewith the required blank forms for application and nomination for non-competitive examination.

Yours very respectfully.

CLARENCE B. ANGLE,
Secretary.

BUFFALO STATE ASYLUM, *September 5, 1888.*

I would like to make an inquiry regarding the position of stenographer in this institution.

Miss Kennedy, the former incumbent, who was appointed after a competitive examination, left the asylum some two weeks ago after service of more than two and a half years. Miss Sophie H. Clark is now occupying the same position, and the question arises as to what is necessary regarding her examination. She was examined in March last by the United States Civil Service Commission, and has received notices of her eligibility as a copyist, also as a stenographer and typewriter supplementary to the same. In case Miss Clark continues in the employ of the asylum after the three months trial, what will be required in the way of certifying to her competency? Will not her holding these notices of eligibility and having passed the examination by the United States Civil Service Commission be satisfactory to your State Commission? I am

Very truly yours.

J. B. ANDREWS.

CLARENCE B. ANGLE, *Secretary Civil Service Commission, Albany, N. Y.*

ALBANY, *September 7, 1888.*

Dr. J. B. ANDREWS,

Superintendent State Asylum, Buffalo, N. Y.:

DEAR SIR.—Your communication of the fifth inst. is at hand this morning.

The position of stenographer in your asylum is classified in Schedule B, pursuant to a resolution adopted by the Civil Service Commission October 26, 1885, and therefore must be filled from our eligible list of stenographers and typewriters, prepared after a competitive examination.

I am quite sure that a certificate of qualification issued to Miss Clark from the United States Civil Service Commission could not be accepted by this Commission in lieu of an examination, without establishing an unwise precedent. I will, however, present your letter to the Commission at its next meeting and advise you of their action.

Very respectfully.

CLARENCE B. ANGLE,

Secretary.

STATE OF NEW YORK :

DEPARTMENT OF PUBLIC INSTRUCTION, }
ALBANY, *September 6, 1888.* }

To the Civil Service Commission of the State of New York :

GENTLEMEN.—The successful establishment throughout the State of a system of uniform examinations of candidates for teachers' certificates under the general supervision of this department, has rendered it necessary to secure the services of an additional clerk, to be known as the "examination clerk," who shall have special charge of the preparation of the question papers, the tabulation of results and the correspondence relating to that subject. For a year, while this matter was in its experimental stage, the whole responsibility and work involved by it, have been borne by the deputy superintendent and myself; but the system has now become so well established that the clerical work can be intrusted largely to a clerk. It can not with safety be intrusted to a clerk who is not altogether familiar with the details of school work and who has not unusual judgment in reference to the questions which shall be made use of in the examinations referred to. It is my desire to appoint to this position Mr. E. C. Delano, who has for several years been a school commissioner in Wayne county and is thoroughly conversant, not only with school affairs, but with the early organization and later development of the State system of teachers' examinations.

I write, therefore, very respectfully, to request that you place such a clerkship upon the non-competitive list and, that having been done, that you will afford as early an opportunity as may be convenient for Mr. Delano to appear for examination.

I am, very respectfully, your obedient servant.

A. S. DRAPER,
Superintendent.

CORPORATION COUNSEL'S OFFICE, }
CITY OF NEWBURGH, *September 14, 1888.* }

MR. JOHN B. RILEY, *Chief Examiner, etc. :*

MY DEAR SIR.—Yours of August thirty-first duly received.

One of my inquiries was this: The office of meat inspector, building inspector, etc., are not mentioned in the charter among city offices, either for election or appointment by mayor and confirmation by common council.

But they are officers (sewer inspector also) whose necessity has been made apparent to secure compliance with the charter and ordinances

as to selling sound meat and erecting buildings safely as required by ordinances, and so as to sewer inspections which may be ordered. These inspectors have been thus far appointed solely by common council.

The Civil Service rules prepared by the mayor some years ago and approved by your Board, and to which you referred, seem to provide that officers appointed by the common council only shall not be subject to Civil Service rules, as to examinations, etc., and if so, may be free from such requirements.

Do you hold that such inspectors appointed solely by common council must be examined (either competitive or otherwise), and for such places does the law giving honorably discharged veterans a priority of claim in your judgment apply? Does chapter 464 of 1887 cover such cases?

Please reply at earliest convenience and oblige

Yours respectfully.

JAMES G. GRAHAM,
Corporation Counsel.

ALBANY, *September 21, 1888.*

JAMES G. GRAHAM, ESQ.,

Corporation Counsel, Newburgh, N. Y.:

DEAR SIR.—Your letter of the fourteenth inst. at hand. The Civil Service regulations of your city, approved by this Commission February 9, 1885, seem to provide that all positions in the public service shall be subject to such regulations, except such as are specifically named. (See Regulation 1.)

In the classification of positions it is provided that "all persons whose duties are strictly professional and all persons employed in private business and occasionally rendering public service for a nominal compensation" shall be in Schedule C. It seems to me that the position referred to would be included in that schedule, although not specially provided for.

I have not at hand a copy of the charter of your city, but I am unable to see why appointees of the common council should be in any different position, so far as Civil Service regulations are concerned, than appointments made by the mayor.

The Attorney-General has declined to furnish this Commission with an opinion as to the scope of the law relating to Union veterans, upon the ground that the construction of such law affects the right of private individuals. I have no knowledge of any decision by the courts construing such law, and I am in doubt as to what the rights of

veterans are regarding their appointment to a position which is non-competitive. In our eligible lists, prepared as the result of competitive examination, we give veterans the preference regardless of their standing; that is to say, we certify three veterans, if there are so many on the list, to the appointing officer, and I know of no case where the right of the veterans to preference in such cases has been questioned.

I suggest that it might be desirable to have your rules made more definite. Of course you are aware that amendments must be suggested by your mayor.

Yours respectfully.

JOHN B. RILEY,

Chief Examiner.

OFFICE OF NEW YORK STATE DAIRY COMMISSIONER,
NEW CAPITOL, ALBANY, *September 18, 1888.* }

Mr. JOHN B. RILEY,

Chief Examiner, Civil Service Commission, Albany, N. Y.:

DEAR SIR.—In reply to yours of recent date permit me to request of your Commission that you carefully consider whether it is practicable to apply the present rules of the Civil Service Commission as to examinations, to the employés of this department. It has been with much difficulty, thus far, that persons have been found whose services were really valuable in prosecuting our work. It has been necessary to instruct several of them in some portions of their duties, while in other respects the same individuals were from the beginning very proficient. It has been our purpose to select good men whose experience in and relations to the dairy industry must have fitted them in some degree to be of service to this department, relying upon the probability that continued work in this line would greatly improve their efficiency.

Our force of employés has steadily grown more useful and efficient. It is believed that the hope of securing in the near future the services of a full force of employés trained to our peculiar work will be realized.

By chapter 298 of the Laws of 1888, it was made the duty of the Dairy Commissioner to select and employ butter and cheese makers and send them out through the State in order that the quality of these commodities might be improved.

After much time spent in the effort to secure the services of persons whose instructions would be of real value to our dairymen and

cheesemakers, thus far but three or four butter makers have been found who can go on with their work of instruction when called upon by the Dairy Commissioner.

This kind of employment in its nature is not continuous. Some of those employed have other business and their services can only be secured for a few days at a time.

It often becomes necessary to employ persons without any delay in the vicinity of those charged with the violation of our dairy laws in order that it may not be suspected that they are connected with the department at all.

There are no standards by which to judge of the fitness of men to do our work; so much depends upon the possession by the individual of the ability to detect adulterations which he may or may not be able to impart to others. We are trying to elevate the standard of quality of our dairy products, and are seeking such agencies as give promise in that direction. The work to be done in detecting adulterations and simulations of dairy products and of improving the quality thereof is of such a nature as to require men possessing peculiar qualifications. It might be quite easy to tell how to use the lactometer and other mechanical appliances with skill, but it is not so easy to know how to decide with reference to milk which by mechanical tests appears or would seem to be pure and yet is not. This very ability is what is essential in a milk expert, and the very thing that an examination upon theories might and probably would fail to touch or bring out. As to experts in "oleo" and kindred products, their skill and usefulness lies in their ability by the use of the senses alone to conclude with some degree of accuracy as to the facts concerning the suspected article.

Upon the whole it is most respectfully submitted that the employes of this department have such peculiar duties to perform and the entire work is of such a nature that an exception in the application of the Civil Service laws and the rules of your Commission may be made as to this department, and if not deemed inconsistent with the promotion of that efficiency in the public service which all good citizens desire, it is respectfully requested that the department be excepted from the operations of the existing rules of the Civil Service Commission.

Very respectfully yours.

GEORGE L. FLANDERS,

Assistant Commissioner.

ALBANY, N. Y., October 9, 1888.

GEORGE L. FLANDERS, Esq.,

Assistant Dairy Commissioner, Albany, N. Y.:

DEAR SIR.—Your communication under date of September eighteenth ult., asking that this Commission “carefully consider whether it is practicable to apply the present rules of the Civil Service Commission as to examinations to the employés of this department,” was considered at a meeting held October fourth inst., and I was requested to transmit to you the following resolution:

Resolved, That the request of Assistant Dairy Commissioner Flanders that the department of the Dairy Commissioner be excepted from the Civil Service rules be denied.

The positions in the department of the Dairy Commissioner were classified in Schedule C of the State classification after a careful consideration of the duties required to be performed by each employé, and it is the opinion of this Commission that the positions can be properly and satisfactorily filled through the non-competitive examination required. The Commission does not, therefore, deem it expedient to recommend to the Governor that the employés in your department be excepted from the rules.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

ALBANY, N. Y., October 5, 1888.

To his Honor the Mayor of the city :

DEAR SIR.—I have the honor to direct your attention to the following extract from chapter 354 of the Laws of 1883:

By section 8 of chapter 354, Laws of 1883, “The mayor of each city in this State is authorized *and is hereby directed* to prescribe such regulations for the admission of persons into the Civil Service of such city as may best promote the efficiency thereof, and ascertain the fitness of candidates. * * * Such regulations hereinafter prescribed and established and any subsequent modification thereof, shall take effect upon the approval of the New York Civil Service Commission.”

The responsibility for non-compliance is with the mayor, and no action has been taken by any mayor of the city of

At a meeting of the State Civil Service Commission held September 21, 1888, the following resolution was unanimously adopted:

Resolved, That the secretary communicate with the mayor of the city of asking for his reasons for not complying with the Civil Service Laws, and request a prompt reply.

This Commission wishes to make the portion of its report relating

to the administration of the Civil Service Law in municipalities more exact and comprehensive than it has been hitherto, and requests your coöperation in its effort to make the annual report complete in this respect.

The Commission desires suggestions from you on the following matters:

First. Is the number of persons subject to Civil Service statutes in the city of so small as to make the enforcement of the law an impediment to the efficiency of the municipal service rather than a means of promoting it? Please state to the Commission the number of permanent appointive city officers in your city, giving the nature of the service performed.

Second. Has the law been brought to the attention of the citizens of and if so, is sentiment in favor of its enforcement, or against its enforcement?

Third. On what ground does this sentiment seem to be based?

Fourth. In your judgment would the enforcement of the law in the city of improve its municipal service?

The Commission will be gratified by an early reply from you in these matters and desire such further suggestions from you as would enhance the efficiency of the public service of your municipality.

A copy of the last annual report of this Commission containing the Civil Service statutes and rules has been sent to you.

Very respectfully.

CLARENCE B. ANGLE,

Secretary.

ALBANY, N. Y., October 8, 1888.

To the President of the Municipal Civil Service Examining Board :

DEAR SIR.—At a meeting of the New York Civil Service Commission held September 21, 1888, the following resolution was adopted:

Resolved, That the secretary communicate with the presidents of Municipal Civil Service examining boards and request a report showing the operation of the State Civil Service laws in their respective municipalities, together with such suggestions as they may deem proper concerning their enforcement, with a view of incorporating their reply in the next annual report.

The Commission would be gratified by an early reply from you, and desire any suggestions which would enhance the efficiency of the public service in your municipality.

Very respectfully yours.

CLARENCE B. ANGLE,

Secretary.

APPENDIX D.

DECISIONS CONSTRUING CIVIL SERVICE STATUTES.

NEW YORK :

PEOPLE EX REL. WRIGHT v. COMMON COUNCIL OF BUFFALO.
PEOPLE EX REL. CHIN v. POILLON.
PEOPLE EX REL. CHIN AND TRAVERS v. MOORE.
PEOPLE EX. REL. RYAN v. THE CIVIL SERVICE SUPERVISORY AND EXAMINING
BOARD OF THE CITY OF NEW YORK.
KILLEEN v. ANGLE, SECRETARY, ETC., AND OTHERS (GENERAL TERM).
KILLEEN v. ANGLE, SECRETARY, ETC., AND OTHERS (COURT OF APPEALS).
IN RE GAFFNEY v. THE MAYOR OF BUFFALO.
IN RE WORTMAN v. THE COMMON COUNCIL OF BUFFALO.
SHERMAN S. ROGERS v. THE COMMON COUNCIL OF BUFFALO.
WILLIAM F. PECK v. THE CITY OF ROCHESTER.
THE PEOPLE v. WALLACE.
THE PEOPLE EX REL. TRAVIS v. DURSTON.

UNITED STATES :

UNITED STATES v. CURTIS.
UNITED STATES EX REL. JAMES W. HINCKLEY v. DORMAN B. EATON
AND OTHERS.
UNITED STATES v. PERKINS.
IN RE MORRIS S. MILLER.

PENNSYLVANIA :

THE COMMONWEALTH EX REL. ABRAMS ET AL. v. STOKLEY.

OPINIONS :

ATTORNEY-GENERAL, NEW YORK.
ATTORNEY-GENERAL, UNITED STATES.
ATTORNEY-GENERAL, MASSACHUSETTS.
JUSTICES SUPREME JUDICAL COURT, MASSACHUSETTS.
CASES UNDECIDED.

APPENDIX D.

NEW YORK SUPREME COURT — EIGHTH DISTRICT.

Special Term, 1884.

PEOPLE *ex rel.* WRIGHT *v.* COMMON COUNCIL OF BUFFALO.

*Mandamus to compel official action upon estimates — Civil Service Act —
Municipal corporations — Liability for services.*

The provision of the Civil Service act, Laws of 1884, chapter 410, section 2, amending Laws of 1883, chapter 354, so as to make mandatory the employment of suitable persons to conduct the inquiries and make the examinations which are necessary for regulation of the Civil Service and promotions and employments, implies that compensation is to be made for services rendered by such persons. Persons rendering services to a municipal corporation pursuant to law are entitled to be compensated for the value of such services, although no specific provision of law has been made declaratory of the right or the extent of the compensation.

Under the charter of the city of Buffalo it is proper for the mayor to estimate such expenses and communicate his estimate to the common council, and they can not wholly reject it, although they may alter it.

A citizen and taxpayer of the city has a right, by virtue of his interest in the order and maintenance of the government, and the enforcement of law, to institute proceedings by mandamus to compel the performance of this duty. It is only where some personal or private redress is sought that the relator must be shown to be interested personally.

Motion for mandamus.

Alfred P. Wright applied to the Supreme Court at the Erie Special Term for a peremptory writ of mandamus to be delivered to the common council of the city of Buffalo, commanding that body to consider and pass upon the estimate made by the mayor for salaries and expenses of executing the Civil Service Law, so far as it has been made applicable to the city of Buffalo.

The allegations of the relator's affidavit were as follows, some of them, however, being on information and belief :

That he is a resident of the city of Buffalo, and a citizen of the State of New York, and a freeholder and taxpayer of said city, and as such is interested in the due enforcement of the laws regulating the

Civil Service of the State of New York and the city of Buffalo, and particularly of the acts of the Legislature hereinafter mentioned.

1. That the city of Buffalo is a municipal corporation organized and existing under and in pursuance of an act of the Legislature of the State of New York, entitled "An act to revise the charter of the city of Buffalo," passed April 28, 1870, and the acts amendatory thereof and supplementary thereto ; that at all the times hereafter mentioned said city has had a population of over 50,000 inhabitants, and that Jonathan Scoville is, and at all the times hereinafter mentioned has been, the mayor of the said city.

2. That under and in pursuance of an act of the Legislature of the State of New York, entitled "An act to regulate and improve the Civil Service of the State of New York," passed May 4, 1883, known as chapter 354 of the Laws of 1883, the mayor of said city of Buffalo was authorized to prescribe such regulations for the admission of persons into the Civil Service of said city as might best promote the efficiency thereof and ascertain the fitness of candidates in respect to character, knowledge and ability for the branch of the service into which they seek to enter; and for this purpose he was authorized to employ suitable persons to conduct such inquiries, and to prescribe their duties and establish regulations for the conduct of the service; and the board of police, being the head of the police department of said city of Buffalo, was given, in respect to those seeking to enter or serving under the said police department, the same kind and measure of authority, which was by said act conferred upon the mayor in regard to certain other officers of said city of Buffalo, which authority was required to be exercised after consultation with the mayor. And it was made the duty of those in the official service of said city to aid and facilitate in all reasonable and proper ways the enforcement of all regulations and the holding of all examinations which might be required under the authority conferred by this section.

3. That under and in pursuance of the authority conferred by said statute, the mayor of the city of Buffalo, on or about January 22, 1884, prescribed and caused to be published certain regulations for the admission of persons into the civil service of the city of Buffalo, a copy of which is hereto annexed and marked Schedule "A" and made a part of this affidavit.

4. That on or about February 21, 1884, the board of police of said city duly prescribed and caused to be published certain rules and regulations concerning the examination of applicants for appointment upon the police force of the city of Buffalo, a copy of which is

hereto annexed and marked Schedule "B" and made a part of this affidavit.

5. That under and in pursuance of an act of the Legislature of the State of New York, entitled "An act to amend chapter 354 of the Laws of 1883, entitled 'An act to regulate and improve the Civil Service of the State of New York,' " passed May 29, 1884, and known as chapter 410 of the Laws of 1884, it became and was the duty of the mayor of the city of Buffalo, and the said mayor was directed and commanded to prescribe such regulations for the admission of persons into the Civil Service of said city as might best promote the efficiency thereof, and ascertain the fitness of candidates in respect to character, knowledge and ability for the branch of the service into which they seek to enter; and for this purpose the said mayor was directed and commanded from time to time to employ suitable persons to conduct such inquiries, to make examinations and to prescribe their duties and establish regulations for the conduct of persons who might receive appointments in the said service. It was further made the duty of said mayor, within two months after the passage of said act, to cause to be arranged in classes the several clerks and persons employed, or being in the public service of the city, and to include in one or more of said classes all subordinate clerks and officials in said public service, to whom his power under said act extends. It was further provided, that after the termination of three months from the passage of said act, no officer or clerk should be appointed, and no person should be admitted to or promoted in, either of the said classes now existing, or that might thereafter be arranged under said statute, and the rules provided for thereby, until he had passed an examination, or was shown to be exempt from such examination and such regulations. It was further made the duty of all those in the official service of said city to conform to, and comply with, any regulations made pursuant to said act, and to aid and facilitate in all reasonable and proper ways the enforcement of all regulations and holding of all examinations which might be required under the authority conferred by said act.

It was further prescribed in and by said act that where, before the passage thereof, the mayor of any city had prescribed regulations pursuant to the provisions of said chapter of the Laws of 1883, such regulations should be deemed to be established and prescribed, and to be operative as if established, prescribed and approved under the provisions of said chapter 410 of the Laws of 1884, and that the examiners who before the passage of said last mentioned act, had been appointed or designated under the provisions of said chapter 354 of

the Laws of 1883, should be deemed to be appointed under the provisions of said chapter 410 of the Laws of 1884.

6. That under and in pursuance of the several statutes hereinbefore set forth, the mayor of the city of Buffalo, on or about the 26th of January, 1885, duly prescribed and caused to be published, certain amendments to the regulations for the admission of persons into the Civil Service of the city of Buffalo, which were prescribed by him January 22, 1884, a copy of which amendment is hereunto annexed and marked Schedule "C" and made a part of this affidavit.

7. That on or about the 26th day of January, 1885, the mayor of the city of Buffalo, in pursuance of the statutes hereinbefore set forth, duly prescribed and caused to be published certain rules and regulations governing the examination of applicants to appointment to service in the fire department of the city of Buffalo, a copy of which rules and regulations is hereto annexed and marked Schedule "D" and made a part of this affidavit.

8. That thereafter all of the said rules and regulations, hereinbefore referred to, were duly submitted to the New York Civil Service Commission, as required by law, and were duly approved by said New York Civil Service Commission under the seal of said Commission, and that on and prior to the 1st day of March, 1885, and at all times subsequent thereto, all of said rules and regulations hereinbefore set forth were in existence and in force and were binding upon all persons in the official service of the city of Buffalo.

9. That prior to the said 1st day of March, 1885, the mayor of the city of Buffalo, under and in pursuance of said statutes, and of the rules and regulations hereinbefore set forth, did appoint suitable and proper persons to conduct inquiries and make examinations into the fitness of candidates in respect to character, knowledge and ability for the Civil Service of the city of Buffalo; and did prescribe their duties; that such persons had proceeded to hold and had held examinations of candidates for offices, and the said laws and regulations were in full force and operation in said city of Buffalo, and that said persons so appointed are still examiners acting under and in pursuance of said statutes, and the said rules and regulations.

10. That under and in pursuance of the charter of the city of Buffalo, it was the duty of the mayor of said city, before the 1st day of March, 1885, to deliver to the comptroller a full and detailed estimate of the expenses and the amount of money required in his department for the ensuing fiscal year; and that on or before the first day of April, in said year, it was the duty of the comptroller of said city of Buffalo to present to the common council of said city an estimate of the

amount necessary to be raised by general tax to carry on the city government and to meet all the expenses and liabilities of the city for the fiscal year, specifying in detail and under separate and appropriate heads, the amount estimated for each department or each office or other purpose.

✦ That it was further provided in and by said charter, that after the expiration of one week from the presentation of such estimate, the common council shall proceed to consider the same, and by a vote of two-thirds of all the members may alter or amend the same, and shall, on or before the first day of May, finally pass upon it; that the estimate as made by the comptroller, or as altered or amended by the common council, may be adopted by a majority vote, and, if altered or amended, shall, upon its adoption, be entered at large upon the journal, and that the sum total of the adopted estimate shall be raised by a general tax.

It is further provided in and by said charter that the expenditures for each department, office or other purpose during the fiscal year shall be kept within the estimate made for it; that, for this purpose, each department, office or other purpose shall be credited with the amount included in the estimate for it, and shall be debited for the salaries and the certain and fixed sums to be paid out of it, and the other expenditures shall not exceed the balance remaining of the estimate; that contracts made in any form or manner for an amount exceeding such balance shall not be binding on the city beyond such balance; that, when liabilities to the amount of such balance shall have been credited, all contracts made in any form or money for further expenditures or liabilities shall not be binding on the city of Buffalo.

11. That under and in pursuance of the provisions of said charter, Jonathan Scoville, the mayor of the city of Buffalo, prior to the 1st day of March, 1885, did deliver to the comptroller a full detailed estimate of the expenses and the amount of money required in this department for the ensuing fiscal year, which estimate was as follows: (A copy of the estimates was then set forth).

And that on March 30, 1885, the comptroller of the city of Buffalo duly presented to the common council of said city his estimate of the amount necessary to be raised by general tax to carry on the city government and to meet all expenses and liabilities of the city for the ensuing fiscal year, specifying in detail the amount estimated for each department or office or other purpose, and that in the said estimate the comptroller included the estimates submitted to him by the mayor as hereinbefore stated in the form hereinafter set forth, and that in his

communication to the said common council accompanying the several estimates, the said comptroller also inserted the following:

"The attention of your honorable body is directed to the following items:

"In the Mayor's Department.

"For salaries and expenses of executing the Civil Service Law \$1,250."

Deponent further alleges, that the said item was inserted by the mayor in his estimates of his department and was so submitted to the comptroller, solely for the purpose of convenience, and because no express provision was made by law, as to the manner in which an estimate of the expense of executing the Civil Service Law, should be presented to the common council; but that the said expense is not merely one of the incidental expenses of the mayor's department, but is a necessary expense of the whole city's government of the city of Buffalo, without which examinations for office under the statutes and rules and regulations hereinbefore set forth can not be held, and appointments to office can not be made, and the government of the city of Buffalo can not actually be carried on; that of the other items included by the mayor and the comptroller in the estimate for the mayor's department, the items for the salary of mayor, or mayor's clerk, for the rent of the telephone, and for services of Merritt Brooks, amounting in all to \$7,275, represent obligations fixed by the charter of the city of Buffalo, and on contracts actually made in pursuance of law, and which are binding on the city of Buffalo, and which must necessarily be paid by the city of Buffalo, and which can not be legally or properly paid out of any other funds than those appropriated for the mayor's department; and that the other items included by the mayor and the comptroller on their estimates for the mayor's department, being for printing and advertising, for stationery, postage stamps, cards and contingencies, and for copies of revised reported city charter, amounting in all to \$780.50, represent necessary expenses of the mayor's department without which the business of said department can not practically be carried on, and which can not be met or paid for out of any other funds than those appropriated for the mayor's department.

Here followed a statement of the proceedings of the aldermen, showing that they had, in committee of the whole, refused to allow anything of this item, with facts in detail to show reason to believe that the aldermen would, as threatened, make no provision on the subject; that if the item was struck out and no provision made, it would be impossible for the mayor to execute the law, although he was

willing to do so; and that the person who had previously acted as clerk and secretary to the board of examiners without compensation had declined to do so further; with other details as to the necessity of suitable provision being made for the expense of carrying out the law, and as to there being no other remedy.

An affidavit of the mayor was annexed; also an affidavit that one of the relator's counsel had asked the attorney of the city of Buffalo to take proceedings by mandamus and that he had declined, regarding it his duty to appear for the common council should any mandamus issue.

The answering affidavit by one of the aldermen alleged that the common council had not yet fully considered nor finally passed upon the estimate, nor had it refused to include or insert in said estimate the specified sum; that such sum was not necessary; that the Civil Service officers of Buffalo served without, and were not entitled to any compensation, and that, as deponent was informed and believes, the city would not incur any expense in executing the statute.

Ansley Wilcox, E. C. Sprague and Sherman S. Rogers, for applicant.

Herman Hennig, city attorney, for the common council.

DANIELS, J.—The mayor of the city, in submitting to the common council the estimates for his department, included the sum of \$1,250 for salaries and expenses of executing the Civil Service Law. This item was considered by the common council at its regular meeting, held on the 6th day of April, 1885, when by its action, as a committee of the whole, it was stricken out of the estimate. And it has been stated in one of the affidavits on which the application has been made, that the common council in its action was controlled by the determination to make no provision for salaries and expenses of executing the Civil Service laws, and designed thereby to nullify and prevent their execution. This has not been denied, and the action taken by that body, or its members, tends to either sustain this conclusion, or that the common council are acting under a misapprehension concerning their duties and obligations under the law. And it is to correct their action in this respect that the writ of mandamus had been applied for, directing the common council to make and sustain the estimate so far as it was made by the mayor, or may be required for the execution of the provisions of the law relating to the city of Buffalo.

The application has been resisted on the ground that the action which was taken was not that of the common council but of its com-

mittee; but an answer to the objection is presented by the circumstance that the committee of the whole, by which the action was taken, was made up of the members of the common council, and in their action they officiated as the common council of the city. Their powers and duties in this respect have been prescribed by section 6, title 5 of the charter of the city of Buffalo, and that requires when the estimates shall be made and submitted that the common council shall proceed to consider the same, and whether it does so nominally as a committee or as the common council itself, the exercise of the authority will be precisely the same. The power has been conferred alone upon the common council, and whether its members act under that name or under the name of a committee of the whole can make no substantial difference in the exercise of this authority. It will still be under this section the action of the common council, although it may not be so final in its character as to render further consideration needless. That further consideration by the members of the common council, as such, or acting as a committee of the whole, would change the result, is extremely improbable, inasmuch as the estimate was stricken out by the decisive vote of thirteen to one. The probabilities, on the contrary, are so decided, arising out of the action which has been taken, as probably to support the conclusion asserted in the affidavit, that it is the design of the common council to reject the estimated item, and in that manner prevent the law from being carried into effect. And these facts are sufficient to entitle the application to be sustained if a legal right to the writ has been made out, and the applicant is authorized by law to maintain the proceeding.

It is true, as it has been argued on behalf of the common council, that the writ is not to be issued in a doubtful case, or where any other remedy for adequate redress shall be found to exist. But no other remedy has been prescribed or provided by law for the redress of the wrong complained of as the foundation of this action. And if the right is to be clearly derived from the law, then neither of these objections stand upon any legal foundation.

The right to the allowance of the estimate, or of some other proper and adequate amount, depends upon the construction which shall be given to chapter 354 of the Laws of 1883, as it has been amended by chapter 410 of the Laws of 1884. By these acts very definite and broad provisions were first made to regulate the Civil Service of the State, and to provide for promotions and appointments to certain public offices of the State. This, so far as the laws were rendered applicable, was to be done by open and competitive examinations, testing the fitness of the applicants for appointment in the public

service. It was not in the first instance rendered obligatory upon the city, but the mayor was vested with the authority to provide rules and regulations for carrying its provisions into effect in the official Civil Service of the city so far as the offices designated and mentioned in it were referred to. The mayor of the city, it has been made to appear, did provide such rules and regulations, and persons were employed and selected to make the investigations and examinations authorized by the law, and they have to the present time been conducted without subjecting the city to expense. But by section 2 of chapter 410 of the Laws of 1884 the mayor of the city was no longer left at liberty to exercise his volition upon this subject, but the duty was made mandatory, and he was not only authorized but thereby directed to prescribe such regulations as had previously been indicated in the law of 1883, or to continue and carry those into effect which had been previously adopted. And to carry out the design and intention of the law it was provided that the mayor "shall from time to time employ suitable persons to conduct such inquiries and make examinations, and shall prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the said service." (Laws 1884, chap. 410, sec. 2.) And to render the observance of this duty still more imperative, if that could be done after the employment of this positively mandatory language, it was further declared in the same section, that "after the termination of three months from the passage of this act (which took place on May 29, 1884) no officer or clerk shall be appointed and no person shall be admitted to or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules, until he has passed an examination or is shown to be exempted from such examination in conformity with such regulations." These directions are so clear and positive as to leave the mayor no discretion upon the subject, but he must from time to time employ suitable persons to conduct the examinations and make the inquiries required. But neither this act nor the one preceding it contains any express provision for compensating the persons to be so employed by the mayor, and for that reason it has been urged that their services were intended to be obtained gratuitously. But the act has not so declared or provided; and by requiring the mayor to employ suitable persons to perform these services, it is to be implied from that language that it was intended that they should be reasonably remunerated for such services. For in no other manner can persons be ordinarily induced to render services of the description of those prescribed by the law. What the mayor has been required

to do is to employ suitable persons, and the power to employ others to render services on behalf of the municipality includes the obligation to provide for their compensation. The employment can usually be expected to be secured in no other way; and when a person or persons are employed, it is a reasonable, as well as a natural implication, that the services rendered in the course of the employment shall be reasonably or correspondingly regarded. This is the effect of employing others to render services in the ordinary relations of business; and as the city has not been exonerated from that effect, it may be assumed that it was designed that it should observe and fulfill the ordinary obligation arising out of the act of employment. In no other way can the services of others be ordinarily secured. It is true that they have been otherwise secured up to the present time under the authority contained in the preceding law. But there is no expectation that gratuitous services will be further rendered for this city under this statute by persons whom the mayor shall consider it his duty to employ. It has been intimated that persons may be found who would be willing to render the same service without compensation, but they may not be persons whom the mayor, in the exercise of this authority, would be willing to select or appoint. That certainly is his judgment, for he made this estimated amount upon the apparent understanding that it would become necessary to enable him to carry into effect these provisions of the statute. And where an appropriation of money is essential for that purpose, although not so declared in the law itself, the obligation to make it is to be derived by implication from it. The rule upon this subject is that "whenever a power is given by statute everything necessary to make it effectual or requisite to attain the end is implied," and "where the law requires a thing to be done, it authorizes the performance of whatever may be necessary for executing its commands." (Sedgw. on Statutory, etc., Law, 92; 1 Kent [7th ed.], 513 m., p. 464; *Stief v. Hart*, 1 N. Y., 20, 30). And the case of *Baker v. City of Utica* (19 N. Y., 326) requires no different construction to be placed upon the statute. It is, on the contrary, an authority in favor of the right of persons rendering services to a municipal corporation to be compensated for the value of such services where no specific provision of law has been made declaratory of the right or extent of compensation. In that class of cases the compensation is to be a reasonable remuneration for the services rendered, and it would be the duty of the mayor within these statutes to confine the compensation to such limits. What the law intended was that the mayor should be obliged to employ the persons whose services should be

requisite to carry out its provisions and to exercise all the authority which should become necessary to attain that end. And as the persons employed would be entitled to be reasonably compensated for the services rendered by them, the obligation to provide for the payment of that compensation has been included in the law.

By omitting to provide the manner in which the money should be obtained to make this compensation, the end and purpose of the law are not to be defeated. For, as the services are to be rendered in the employment of the mayor and on behalf of the city, the funds required to remunerate the employment are necessarily a charge upon the city as all other expenses of the municipal government have been made by the charter. Whatever may be required to meet these obligations has been directed by title 5 of the charter to be estimated by the heads of the departments. This includes all expenditures considered to be necessary for the ensuing fiscal year, in the administration of the affairs of the city government. This is such an expenditure, and under this portion of the charter it was a proper subject to be estimated — and estimated by the mayor, inasmuch as he is the person who was to exercise this authority and employ the persons required to render these legal services. Pursuant to this obligation the mayor made the estimate for what he considered would be the necessary expenses of carrying these provisions of the laws of the State into execution, and communicated and presented the estimate to the common council. This body has been authorized by section 6 of title 5 of the charter, by a vote of two-thirds of all the members elected, to alter or amend the estimate. But where it has been made pursuant to the direction of a positive statute, as it has been in this instance, the common council has not been invested with the power of wholly rejecting the estimate. It may, under the authority to alter or amend the estimate, extend, modify or limit it, as that may appear to be justified by the facts ; but the common council has no authority arbitrarily to reject the estimate. Its legal, as well as its absolute duty is, on the contrary, to consider it in good faith, with sound judgment and discretion, and if any misapprehension has intervened in its amount, to correct it and apportion it to the probable necessities of the service for which it may be designed. This, according to the papers which have been produced upon the application, has not been done. The estimate was not considered, but it was arbitrarily rejected, for the purpose, as it has been stated, of defeating the execution of the law. That, neither the members of the common council nor any other official of the State or city has the right or power to do. The government, whether general or local, is one of laws, and when a

law has been constitutionally enacted, it is the imperative duty of all public officers, and was expressly made so by the act itself, to carry its provisions into effect. Every public officer is required, before he can enter upon the discharge of his duties, to take his official oath that he will discharge the duties of his office according to the best of his ability; and no official duty is more imperative or important than those which the positive laws of the State have declared shall be observed and performed. Beyond this, the law has further reinforced this obligation by a very general provision, declaring that "a public officer or person holding a public trust or employment, upon whom any duty is enjoined by law, who willfully neglects to perform the duty, is guilty of a misdemeanor" (Penal Code, sec. 117). No public officer has been invested with the discretion to omit to carry into effect a law of the State, for the reason that he may not approve of its object or policy, or for any other reason. He is allowed to exercise no such choice or authority, but the obligation is general and imperative to carry the laws of the State into execution according to their fair import to be derived from the language employed in their enactment.

By rejecting the estimate in this manner communicated to the common council, the authority of the mayor to execute this mandatory provision of the act of 1884 may be practically nullified. For no balance, it has been shown, will remain of the estimates submitted for the expenditure of his own department in other respects which could be appropriated to the payment of persons employed by the mayor under the authority of the law of 1884. And where that is the fact, and no appropriation exists out of which payment can be made, by section 9 of title 5 of the charter, contracts have been prohibited from being made, and no liability for payment can be created when they may be made. And no warrant for the expenditure to be incurred in the performance of any such contract, if it should be made, is allowed to be paid by the treasurer of the city. By striking out this item from the estimate of the mayor, therefore, he will be deprived of the ability to perform the duty which the act has declared shall be performed by him, and in that manner this provision of the law will be wholly defeated and rendered nugatory. And that the members of the common council of the city can not, in the exercise of any legal authority with which they have been invested, accomplish. The authority which has been given them has been designed to promote and secure the execution of the laws, and not their nullification by their failure or refusal to act.

The case is not within section 4 of title 3 of the charter of the city, for the reason that the persons to be selected and employed by the

mayor will not be persons elected or appointed under the charter of the city, but the power to appoint them is wholly derived from the acts of 1883 and 1884 which have already been mentioned.

That the writ of mandamus is the appropriate remedy by which the common council may be required to exercise the authority conferred upon it by law for the benefit of the public, can not admit of any serious question. It was employed to secure the observance of a duty enjoined upon the common council of the city of New York in *People v. Common Council*, etc. (45 Barb., 473), which was afterwards affirmed by the Court of Appeals (3 Keyes, 81). And as the case presented by the facts, supported by the affidavits, has been made out, the right disclosed by it may be enforced and maintained through the instrumentality of this writ under this authority.

The remaining objection to be considered is that involving the power or right of the present applicant to apply for the issuing of the writ. He is shown to be a citizen and taxpayer of the city, interested therefore in the orderly maintenance of its government. That result can only be secured, so far as these legislative acts extend, by observing and conforming to their provisions. If they are not complied with, then, so far as public offices are to be filled to which they relate, they can not be supplied, and the government of the city to that extent will be subverted. And every citizen has such an interest in its affairs as to be entitled by a proper application to the court to avert the occurrence of these consequences. It is only when the application for the writ is made to secure some personal or private redress that the applicant must be shown to be interested in obtaining it, before the writ can be directed to issue. Where the act omitted to be performed affects the public interests generally, and all citizens are equally concerned in securing its performance, and that has been enjoined by a law of the State, a different rule prevails. There it is sufficient to support the application that the applicant is a citizen, and entitled to insist upon the execution of the laws of the State. These laws are made for the promotion of public order and individual security, and, accordingly, every citizen has a sufficient interest in their execution to entitle him to prosecute an application of this description. Laws are enacted for the well being, good order and security of the community, and of its constituent members. Public officers are provided for, elected and appointed to execute their provisions, and where they designedly fail, or intentionally omit to do that, every citizen has the inherent right to apply to this court, and insist upon it that the writ of mandamus shall issue in such a form as to secure the observance of that duty. The authorities in

this and several other States, and those also of the Court of King's Bench in England, have gone very far in supporting this proposition. In fact, the utmost limit of judicial interference has been reached, for the purpose of sustaining the right of private persons to insist upon the performance of public duties by public officers. An extreme case was that of the *King v. Brown*, a note of which will be found in 8 T. R., 574, under the title of *Rex v. Smith*, where an application of this nature was sustained against the common councilmen of York, because they had failed to observe the requirement of an act of parliament, declaring that corporate officers generally, as a qualification for holding their offices, should receive the sacrament within six months. The interest of the applicant in the observance of this duty was extremely insignificant, and yet the application was sustained, because it was made to enforce the observance of an act of parliament which interested all the corporations in the kingdom. This authority, as well as others maintaining the same general conclusion, were fully approved in the case of *People v. Collins* (19 Wend., 56), and in the case of *People v. Halsey* (37 N. Y., 344), it was also held to be a matter of but slight importance whom the applicant or relator should be, so long as he does not officiously intermeddle in a matter with which he has no concern. The rule, it was said, "that a relator in a writ of mandamus must show an individual right to the thing asked, must be taken to apply to cases where an individual interest is alone involved, and not to cases where the interest is common to the whole community." (Id., 348; High on Extraordinary Remedies, section 431, and cases cited in note.) The rule is different in some of the States, but here it has become fixed and established, allowing every citizen the right to compel public officers, whose duty it had been made to do so, to execute the laws of the State, enacted for the benefit of the community, and where the government is solely one of laws—as that of the State and the city most clearly are—the rule is one of a salutary and beneficial character.

Neither of the objections which have been taken to the application are capable of being maintained, and as the case has been held over with the expectation that the action of the common council might be voluntarily reconsidered in such a manner as to secure the observance of the law without a resort to this remedy, and that has not been done, no other alternative remains but to direct that the writ of mandamus shall be issued. This writ will require the common council to proceed in good faith to the consideration of the estimate submitted for this contemplated expenditure by the mayor, and to allow it and include it in the estimates for the ensuing fiscal year, so far as

it may be found requisite to do so for the maintenance and execution of the law. What the common council will be required to do is to consider and dispose of the estimate precisely the same as it does any other lawful estimate submitted for its action; to exercise its judgment carefully and intelligently upon the subject, and to allow the estimate as it may have been submitted, or as it may be altered or amended solely pursuant to the exercise of that judgment guided by the facts which in the faithful discharge of its duty may be found to exist. The order to be entered will be settled on notice to the city attorney.

(Affirmed 38 Hun., 637, on opinion of Daniels, J., at Special Term.)

The following was the order entered (after the usual recitals):

"It is ordered that a peremptory writ of mandamus be issued out of and under the seal of this court, directed to the defendant, the common council of the city of Buffalo, and to the members of said common council, commanding and directing the said common council and the individual members thereof to proceed in good faith to a consideration of the estimate made by the mayor, and submitted to them by the comptroller of the city of Buffalo on March 30, 1885, for salaries and expenses of executing the civil service law, said estimate being the sum of \$1,250, and to adopt and allot the said sum and include it in the estimates for the ensuing fiscal year, so far as it may be found requisite to do so for the maintenance and execution of the said law, and commanding and directing that the said common council and the individual members thereof, adopt and allow the said estimate as it was submitted to them, or in case the said estimate is altered or amended that it be altered or amended only by said common council in the exercise of their judgment, guided by the facts which, in the faithful discharge of their duty, may be found to exist; and that in any event, the said common council adopt and allow and include in said estimates a reasonable and sufficient sum for the salaries and expenses of executing the Civil Service law of the State, and the rules and regulations prescribed by the mayor of the city of Buffalo in pursuance thereof." (16 Abb. N. C., 96.)

NEW YORK SUPREME COURT—SECOND DISTRICT.

*Special Term, August, 1885.*PEOPLE *ex rel.* CHIN *v.* POILLON.

Mandamus to Civil Service Commissioners — Civil Service Act, Laws of 1884, chapter 410, section 4 — Preference of discharged soldiers and sailors.

Under the Civil Service Act (Laws of 1884, chapter 410, section 6), which provides that discharged soldiers and sailors shall be preferred for appointment to positions in the Civil Service over others of equal standing, discharged soldiers and sailors have not, because found qualified, an absolute right of preference over all others, but only a preference to others having an equal or lower standing.

Application for mandamus.

William J. Chin and another applied for the issue of a writ of mandamus to Richard H. Poillon and others, fire commissioners, to enforce the claim made by the relators by reason of being honorably discharged from military service, to appointment under the Civil Service Act, in preference to other persons examined.

William J. Gaynor, for the relators.

E. M. Shepherd, for the respondent.

CULLEN, J.—Section 4, chapter 410, Laws of 1884, provides that persons who served during the late war, in the army or navy, and have been honorably discharged therefrom, shall be preferred for appointment to positions in the Civil Service of the State and cities over other persons of equal standing, as ascertained under that act and the act thereby amended, chapter 354, Laws of 1883. By the last named act it is provided that original appointments to positions in the Civil Service of the State and of cities with a population over 50,000, shall be made by selection from applicants graded highest, as the result of competitive examination, and that promotions from lower grades to higher shall be made on the basis of merit and competition. The standing of applicants must therefore be determined by their respective merits and the result of the competitive examinations. It is equal competitive standing that the statute has in view. This seems to me so plain as to forbid elaboration. From the contention of the relators, if conceded, it would result that all appointments and promotions contemplated by the statute, as the subject of competition, should be filled by discharged soldiers and sailors, if there were such applicants who might be found qualified, and only in default of such

applicants should such appointments be open for other persons to competition. However just or proper such a rule would be, plainly the Legislature has not enacted it.

The construction of the statute here adopted does not render the preference given the discharged soldiers or sailors illusory. It will still be substantial. Both the statute and the rules established under it contemplated the exercise of discretion by the appointing power among several of the applicants having the highest grading. The one with the highest standing may be passed by and one with a lower standing appointed. But if a discharged soldier or sailor is presented for appointment he must be appointed in preference to others having equal or lower standing. In other words, if his standing is equal to or better than that of his competitors, he has the absolute right to the appointment, which is not the case with other persons.

Application for mandamus denied. (16 Abb. N. C., 116.)

SUPREME COURT OF NEW YORK—SECOND DEPARTMENT.

February Term, 1886.

THE PEOPLE OF THE STATE OF NEW YORK *ex rel.* WILLIAM J. CHIN
AND PATRICK H. TRAVERS, *Appellants*, v. WILLIAM D. MOORE AND
OTHERS, *Respondents*.

*Civil—Service Act 1883, chapter 354, and 1884, chapter 410, section 4—
Right of honorably discharged soldiers and sailors to priority in
appointment.*

Section 4 of chapter 410 of 1884 provides that persons who served during the late war in the army or navy, and have been honorably discharged therefrom, shall be preferred for appointments to positions in the Civil Service of the State and cities over other persons of equal standing, as ascertained under that act and the act thereby amended, chapter 354 of 1883.

The last named act provides that original appointments to positions in the Civil Service of the State and of cities with a population over 50,000 shall be made by selection from applicants graded highest as the result of competitive examinations, and that promotion from lower grades to higher shall be made on the basis of merit and competition.

Held, that the act did not give to an honorably discharged soldier or sailor a right to be preferred for appointment over other persons standing above him on the list, but only gave him priority over persons having the same position and grade as himself.

In other words, if his standing is equal or better than that of his competitors, he has an absolute right to the appointment, which is not the case with other persons.

Appeal from an order, entered in Kings county, denying a motion for a peremptory mandamus to compel the respondents, W. D. Moore and others, as a board of examiners, to certify the relators to the respondent, R. H. Poillon, fire commissioner, for promotion to the position of foremen in the fire department, and to compel the fire commissioner to promote the relators in accordance with such certification.

Prior to the 29th day of July, 1885, nine vacancies occurred in the position of foreman in the fire department. The head of the department desiring to fill them by promotion from lower grades in the service designated the respondents, Moore and others, as a board of examiners to ascertain the fitness of candidates by means of the examination provided by the Civil Service regulations. This examination resulted in there being placed on an eligible list, that is to say, a list containing the names of the candidates who successfully passed the examination, the names of fifteen persons in the order established by the differences in standing indicated by the percentages obtained on the examination. The relator Travers was at the bottom of the list, and the relator Chin stood number thirteen, both of them receiving the lowest percentage obtained.

The Civil Service regulations provide that in the preparation of eligible lists, and in certifying names for promotion in such cases, the examiner shall follow, so far as practicable, the rules governing the preparation of such lists and the certification of names by the Civil Service Commission. The commission is required to prepare eligible lists for the different grades of service by placing thereon such persons as have successfully passed the required examination in the order of merit shown by the percentage thus obtained, giving a preference, however, to honorably discharged soldiers and sailors over other candidates equal in rating with themselves. In certifying names for appointment from the list so prepared, the commission is required to take the names first on the list, being those who received the highest rating on the examination. In making appointments the appointing power must give the preference to honorably discharged soldiers and sailors over persons of equal standing with themselves, as ascertained under the civil service regulations. Acting in accordance with these regulations, the examiners in the case at bar ranged the names of the successful candidates on the eligible list prepared by them, the relators, although honorably discharged soldiers, being placed at the bottom of the list, and receiving no preference because not equal in standing to those above them. The examiners also deemed it to be a duty imposed upon them by the regulations to certify for promotion to the several vacancies the requisite number of persons from the

head of the list, not including the relators because of their inequality in standing to those above them. The fire commissioner coincided with these views, and regarded it as his duty to make the promotions from the persons thus taken from the head of the list. The relators thereupon moved upon an affidavit, stating, among other things, the intention of the respondents to be as above set forth, for a peremptory mandamus to require that they be included among those who were to be certified and promoted. They founded their claim to this relief on the provision of the law (Laws 1884, chap. 410, § 4), which gives to veterans a preference for appointment to positions in the Civil Service of the State and cities over other persons of equal standing as ascertained under the Civil Service acts. All persons on an eligible list, they claimed, were equal in standing, no matter how unequal in rating or percentage, and inasmuch as their names were on the list in question, although at the foot, they were entitled to be preferred. The court at Special Term denied the motion and delivered the following opinion.

CULLEN, J.—Section 4, chapter 410, Laws of 1884, provides that persons who served during the late war in the army or navy, and have been honorably discharged therefrom, shall be preferred for appointment to positions in the Civil Service of the State and cities over other persons of equal standing, as ascertained under that act, and the act thereby amended, chapter 354, Laws of 1883. By the last-named act it is provided that original appointments to positions in the Civil Service of the State and of cities with a population of over 50,000, shall be made by selection from applicants graded highest as the result of competitive examinations, and that promotions from lower grades to higher shall be made on the basis of merit and competition. The standing of applicants must, therefore, be determined by their respective merits and the results of the competitive examination. It is equal competitive standing that the statute has in view. This seems to me so plain as to forbid elaboration. The contention of the relator, if conceded, would result that all appointments and promotions contemplated by the statute, as the subject of competition, should be filled by discharged soldiers and sailors, if there were such applicants who might be found qualified, and only in default of such applicants should such appointments be open to other persons to competition. However just or proper such a rule would be, plainly the Legislature has not enacted it. The construction of the statute here adopted does not render the preference given the discharged soldier or sailor illusory. It will still be substantial. Both the statute and the rules established under it contemplate the exercise of

discretion by the appointing power among several of the applicants having the highest grading. The one with the highest standing may be passed by and one with a lower standing appointed. But if a discharged soldier or sailor is presented for appointment, he must be appointed in preference to others having equal or lower standing. In other words, if his standing is equal or better than that of his competitors he has absolute right to the appointment, which is not the case with other persons.

Application for mandamus denied.

Wm. J. Gaynor, for the relators.

Frederick W. Catlin, for the respondents.

PRATT, J.—We think this order must be affirmed, and the opinion of Mr. Justice Cullen, delivered at the Special Term, sufficiently expresses the views which have led us to this result.

The relator's contention is that the moment a candidate is placed upon the eligible list he has an *equal standing* with every other person whose name there appears, and that difference in grade among the eligible persons must be ignored. We can not adopt this view. It is a plain misinterpretation of the statute. The appearance of his name on that list simply shows that he is eligible for appointment. It is idle to say that one who stands at the foot—say, graded at seventy-five and therefore barely eligible—has an *equal standing* with the others who stand at from fifteen to twenty-five in grade above him. If the whole list was comprised of persons graded at seventy-five doubtless the soldier or sailor would be entitled to a preference in his application for public service. But there is no justice in a claim that the soldier or sailor who stands seventy-five should be preferred over candidates who stand at ninety or 100. This is not the sort of preference which the Legislature had in view. It was simply intended that of two or more who stand equal in their eligibility, the soldier or sailor should always be preferred.

The order should be affirmed with costs and disbursements of this appeal.

Present, BARNARD, P. J. ; DYKMAN and PRATT, J. J.

Order denying writ of mandamus affirmed with costs and disbursements.

NEW YORK SUPREME COURT — FIRST DEPARTMENT.

June Term, 1886.

THE PEOPLE OF THE STATE OF NEW YORK *ex rel.* RICHARD W. RYAN,
Respondent, v. THE CIVIL SERVICE SUPERVISORY AND EXAMINING
BOARDS OF THE CITY OF NEW YORK, ETC., Appellant.

Employés of the commissioners appointed to construct the new aqueduct, are employés of the city of New York and subject to examination by its Civil Service Commissioners — 1883, chapter 490 ; 1884, chapter 410, section 8.

The relator having applied to the secretary of the Civil Service supervisory and examining boards for examination under the New York city Civil Service regulations, for employment as a clerk, copyist or bookkeeper, by the commissioners for building the new aqueduct, created by chapter 490 of 1883, his application was rejected upon the ground that such commissioners were not officers of the city of New York, but of the State, and that their employés are not included within the Civil Service system of the city.

Held, error.

That the persons employed by the aqueduct commissioners were employés of the city, and were accordingly within the description of persons required to be examined by the Civil Service commissioners, as provided in section 8 of chapter 410 of 1884.

Appeal from an order granting the application of Richard W. Ryan, relator, for a peremptory mandamus to compel the Civil Service supervisory and examining boards of the city of New York, and Charles H. Woodman, secretary thereof, to entertain the application of said Richard W. Ryan, and notify him to appear for examination pursuant to the Civil Service regulations of the city of New York.

The relator shows that he applied to the secretary of the New York Civil Service supervisory and examining boards for examination under the New York city Civil Service regulations, for employment, by the commissioners for building the new Croton aqueduct, and that the application was rejected upon the ground that such commissioners are not officers of the city of New York, but of the State, and that their employés are not included within the Civil Service of the city. The employés of such commissioners had been included by Mayor Edson in his classification of the city Civil Service.

Upon the hearing at Special Term the following opinion was delivered:

LAWRENCE, J. — This is an application for a peremptory mandamus to compel the Civil Service supervisory and examining boards of the city of New York, and Charles H. Woodman, the secretary thereof, to

entertain the application of Richard W. Ryan, and notify him to appear for examination pursuant to the New York city Civil Service regulations.

It appears by the affidavit of the relator that he has applied to the secretary of the said boards for examination for employment by the commissioners for building the new Croton Aqueduct, and that his application has been refused on the ground that the said commissioners are not officers of the city of New York, and their employés are not included within the Civil Service of the city of New York. It appears also from the papers submitted on the part of the relator, that in the month of August, 1884, the mayor of the city arranged a certain classification of the civil service of the city of New York, and that in such classification were included the clerks and employés of the Aqueduct Commission, and that such employés were so included after consultation with the State Civil Service Commissioners, and upon their advice that such employés were persons in the employ of the city and not of the State. It appears from the papers read by the counsel to the corporation that the contrary opinion had been expressed by him and his predecessor in office, and this proceeding has been brought for the purpose of determining whether officers and employés of the Aqueduct Commission are subject to the civil service regulations of the city or those prescribed by the State Civil Service Commissioners. It can not be disputed that the Aqueduct Commissioners are new officers, and that at the time of the passage of chapter 490 of the Laws of 1883, creating such commissioners, there were no officers in existence in the city government who were authorized to exercise the powers confided to said commissioners by said act. This, however, is not conclusive upon the question whether the Commissioners are to be regarded as State or city officers. Nor does the case of the People *ex rel.* Wood v. Draper (15 N. Y. 532) determine the question which is here presented for consideration. That case holds that section 2, article 10, of the Constitution of 1846 leaves the Legislature at liberty to provide for the election or appointment, in any manner it may deem suitable, of all officers, local or general, whose offices might thereafter be created by law; and also of all other than county, city, town or village officers whose offices were then in existence, but the mode of whose election or appointment was not prescribed by the Constitution. Under that decision the Legislature may create a new city office and may prescribe the manner in which the same may be filled, whether by election or appointment, or in any manner it may deem suitable.

The case of the Metropolitan Board of Health *v.* Heister (37 N. Y., 661) is to the same effect. (See, also, *People v. Pinckney*, 32 N. Y., 382.)

Some light may, however, be thrown upon this question by the decisions which were made by the Supreme Court of the late court of errors in relation to the liability of the city of New York for acts done or omitted by the water commissioners appointed under the acts of 1833 (chap. 36) and 1834 (chap. 256), under which the Croton was first introduced into this city. The powers conferred by those acts, upon the commissioners therein provided for, were very similar, although not specified in the acts so much in detail as those confided to the Aqueduct Commissioners of 1883.

In *Appleton v. The Water Commissioners of New York* (2 Hill, 432) it was intimated, although not expressly decided by Bronson, J., in delivering the opinion of the court, that the remedy on the contract, made by such commissioners, was against the corporation of the city of New York.

In *Bailey v. The Mayor, etc., of New York* (3 Hill, 538) it was held that commissioners appointed under the act of 1834, though appointed by the State, were the agents of the corporation, and that the latter was, therefor, liable for injuries sustained by the plaintiff's land arising from the careless and unskillful construction of a dam across the Croton river. That case subsequently went to the Court of Errors, and is reported in 2 Denio (p. 433) as *The Mayor, etc., of New York v. Bailey*, and it was held that the corporation was liable to third persons for injuries sustained by them by the negligent and unskillful construction of the dam in question.

If these cases have not been restricted or modified by subsequent decisions, it would appear that the Aqueduct Commissioners, although appointed by the Legislature, are the agents of the city; and if the agents of the city, that they are within the provisions of the act in relation to the Civil Service of the city.

It is said, however, by the learned counsel to the corporation, that this case is within the principles stated in *Russell v. The Mayor* (2 Denio, 461); *Martin v. The Mayor, etc.* (1 Hill, 545), and *The New York and Brooklyn Saw-mill and Lumber Company v. The City of Brooklyn* (71 New York, 580).

In *Martin v. The Mayor, etc.*, it was held that a municipal corporation is not liable for the misfeasance or nonfeasance of one of its officers in respect to a duty specifically imposed by statute on the officer; otherwise if the duty is one imposed absolutely on the corporation, as such. In that case the plaintiff sued the corporation of the city of Brooklyn, alleging that while Brooklyn was

a village the president and trustees instituted proceedings for the purpose of laying out certain streets, and went on to an assessment of damages pursuant to the statute; that a sum was awarded to the plaintiff for his land proposed to be taken, and that the commissioners of estimate, etc., reported to the trustees, and that the proper notices were given and published, but though no appeal was interposed they had willfully omitted the duty of causing the report to be filed with the clerk of the Common Pleas of Kings county, so that it could be confirmed. It was also alleged that the board of trustees, after the assessment was returned, resolved that it was expedient to open the streets, provided the parties interested would waive the first report, the filing of the same, and the appointment of commissioners; and that a committee should be appointed to treat and agree with the owners of ground required for the streets, and the plaintiff consented to such waiver, in writing, was willing, etc., and gave notice, etc., but that the trustees refused to proceed in the fulfillment of the agreement. The court held in that case that municipal corporations were not liable for omissions of duty specifically imposed by statute on one of their officers; that in that respect the latter are quasi civil officers of the government, though appointed by the corporation, and the relation of master and servant did not exist between the corporation and the officers.

In *Russell v. The Mayor, etc.* (2 Denio, 461), it was held that the mayor and aldermen, in making an order for the destruction of a building, pursuant to the statute, did not act as the officers or agents of the corporation, but as magistrates designated by the Legislature for the execution of a public duty. In that case, Porter, Senator, in his opinion, distinguishes the case of *Bailey v. The Mayor, etc.*, from that of *Russell*, on the ground that in the former case "the corporation had an interest in the grant made by the law;" that "it held a large amount of property under it; had passed ordinances in respect to the execution of the work and the doings of the commissioners; and in every respect had made the work their own, and consequently had made the commissioners their agents."

In the *New York and Brooklyn Saw-mill and Lumber Company v. City of Brooklyn* (71 New York, 580), it was held that "a municipal corporation is not liable for the acts or omissions of an officer, elected or appointed by it, in respect to a duty specifically imposed upon the officer, which is not connected with his duties as agent of the corporation, and in which it has no private interest." That "it is only liable for the acts and omissions of officers in the performance of duties imposed upon the corporation."

The complaint in that action alleged, in substance, that "by an act to improve the Gowanus canal, in the city of Brooklyn (chap. 678, Laws of 1866, and the acts amendatory thereof; chap. 884, Laws of 1867; chap. 793, Laws of 1869), commissioners were appointed to dock the sides of said canal, the expense to be assessed upon the property; that the commissioners caused docks to be erected in and upon the plaintiff's land adjacent to said canal, but prosecuted the work so negligently that the dock sank; that, by an act passed in 1871 (chap. 839, Laws of 1871), it was provided that the common council of the city should cause the docks to be repaired or rebuilt at the expense of the city; that thereby the duty to rebuild the dock on plaintiff's land was imposed upon the city, which it had neglected to perform, to his damage, etc." Upon demurrer to the complaint it was held that the court "could not take judicial notice that the canal was a public highway, and, in the absence of allegations to that effect, could not presume it to be such; that, so far as appeared, the work was for the benefit of individuals solely; that it appears by the amendatory act of 1869 to have been the intention of the Legislature to substitute the common council for the commissioners, without affecting the relations of the city to the work; that both bodies were to be regarded as agents of the State, not of the city, and for their acts or omissions the city was not liable; that the act of 1871 did not impose the duty of rebuilding upon the city, but the directions therein to the common council, it was to be presumed, were given to them as State agents, and that, therefore, the city was not liable." It was also held "that the fact that the expense of rebuilding was cast upon the city did not affect its liability."

It will be observed, upon examining the three cases last cited, that they are placed upon the ground that the work to be done was not a corporate work, but was either a work for the benefit of private persons or directed to be done by the statute of the State, having no relation to corporate duties or interests.

In that case *Church, C. J.*, at page 584, says: "A municipal corporation is held liable for the acts of an agent it employs to do business for its own corporate or private benefit, the same as a private individual, and this, although the agent may be appointed by the Legislature, or under legislative authority, if it accepts and ratifies the appointment," and he cites approvingly the case of *Appleton v. The Water Commissioners* (2 Hill, 433), to which I have above referred. He also says that "we have recently held that a municipal corporation is not liable for the omission to perform or for negligence in the performance of a public duty, laid upon an independent officer, in which

it has no private interest, and from the performance of which it derives no special or corporate benefit, although it is required to elect or appoint such officer, and although the officer has in charge, and the negligence imputed is the use of, property owned by the corporation," citing *Maxmilian v. The Mayor, etc.*, (62 N. Y., 160) and other cases.

Folger, J., in delivering the opinion of the court in *Maxmilian v. The Mayor, etc.* (62 N. Y., 170), after having referred to certain cases, and among others to that of *Bailey v. The Mayor, etc.* (2 Denio, 433), says, at page 170 : "It is not always easy to say within which class a particular case should be placed. But when it is determined that the power and duty are given and taken for the benefit of the corporation as a corporate body, and the act to be done is to be done by it through the agents of its appointment, and under its control and power of removal, there is no doubt of its liability for negligent omission or negligent attempt at performance. When the powers created and duly enjoined are given and laid upon officers to be named by the corporation, but for the public benefit and as a convenient method of exercising a function of general government, and the corporation has no immediate control nor immediate power of removal of those officers nor of their subordinates and servants, then it is not liable for their negligence, omission or action."

In that case it was held that the city corporation was not liable for the negligence of an employé of the commissioners of charities and correction in driving an ambulance wagon belonging to the city which struck and caused the death of the plaintiff's intestate, and it was held that the duties of such commissioners were public in their character, and that from their performance no special corporate benefit is derived.

Is it not, however, clear that from the work to be performed by the aqueduct commissioners a special and corporate benefit will be derived by the city of New York; and can it not with much force be argued that, under the decision in the *Maximilian* case and the cases of *Bailey v. The Mayor, etc.*, and *Appleton v. The Water Commissioners* (*supra*), the aqueduct commissioners, though appointed by the State, are to be regarded as agents of the city, and therefore city officers? As I have already said, the duties which were to be performed by the water commissioners, under the acts of 1833 and 1834, were very similar to those confided to the aqueduct commissioners under the act of 1883, and it seems to me that if the former commissioners were regarded as the agents of the city, the latter must be also.

By section 1 of the act of 1883, chapter 490, the mayor, comptroller and commissioner of public works, and certain individuals therein named, are appointed commissioners for the purpose of supplying the

city with an increased supply of pure and wholesome water. The salary of the commissioner is to be fixed by the board of estimate and apportionment. The commissioner of public works is to prepare plans, etc., which are to be submitted by him to the commissioners, who may adopt, modify or reject the same in whole or in part. The plans are to be filed, etc. Maps are also to be prepared by the commissioner of public works to be filed in the acts specified; and the counsel to the corporation, for and on behalf of the mayor, aldermen and commonalty of the city of New York, is required to apply to the Supreme Court for the appointment of commissioners of appraisal to appraise the compensation to be made to the owners, etc., of the real estate proposed to be taken, etc., for the purpose indicated in the act. The fee of the lands taken is to be vested in the mayor, aldermen and commonalty of the city of New York. The corporation counsel is to present the report of the commissioners for confirmation. The awards made by the commissioners when confirmed are to be paid by the city within four months. In case of default, a right of action therefor is given to the party in whose favor the award is made. It is also provided that the aqueduct commissioners, subject to the approval of the board of estimate and apportionment of the city of New York, may agree with the owners, etc., as to the amount of compensation to be paid to such owners for the taking or using and occupying of real estate.

By section 25 of the act, upon filing the oath of the commissioners of appraisal, etc., the Commissioners of public works shall from time to time, as may be necessary, prepare and submit to the aqueduct commissioners, and to the counsel to the corporation, forms of contracts and specifications and bonds for the faithful performance thereof. It is further provided that said forms shall be either approved or rejected by the said aqueduct commissioners, and shall be approved as to form by the counsel to the corporation; and in case of rejection of the same, said commissioner of public works shall prepare and submit other forms, etc. It is further provided that the aqueduct commissioners shall determine what provisions shall be embodied in said contracts, in order, so far as may be possible, to save the city from loss, embarrassment and litigation by reason of any work done or supplies furnished thereunder.

By section 30 it is provided that the contracts when awarded shall be executed in triplicate by the contractor or contractors on the one part and the aqueduct commissioners acting for the city of New York on the other part. Two of said originals are to be filed, one in the finance department, the other with the aqueduct commissioners,

and a copy thereof shall be furnished to the department of public works.

By section 31 the salaries and compensation of the persons employed as provided for in this act * * * shall be paid by the comptroller of the city of New York on the certification of the said aqueduct commissioners, or of such person or persons as may be designated by them. It is also provided that the various sums of money growing due from time to time under the terms of the several contracts made for the doing of the work and furnishing the material required by this act, shall be paid by the comptroller, etc., on the certificate of the said aqueduct commissioners, or such person or persons as may be designated by them.

By section 32 the comptroller is directed to raise, from time to time on bonds of said city, such sums of money as shall be sufficient to pay for any real estate and all damages, etc., * * * and also in paying for the construction of said aqueduct.

By section 34 the mayor and comptroller are authorized to sign said bonds, and it is made the duty of the clerk of the common council to countersign the same and affix thereto the seal of the said city.

By section 39 the commissioners shall in every calendar month file in the office of the comptroller of the city of New York an account of all expenditures made by them, or under their authority, and of all liabilities incurred by them during the preceding month, and an abstract of each such account shall be published in the *City Record*.

By section 40 no person shall be appointed by the said aqueduct commissioners as inspector or superintendent who shall not be certified by at least three members of the commission to be competent, etc., * * * and to employ a secretary and all necessary clerks, messengers and employes, subject to the approval of the board of estimate and apportionment of the city of New York.

It is apparent from the provisions of the act that the work confided to the aqueduct commissioners is a city work, and one in which the corporation has a direct corporate and pecuniary interest. It is also conceded that the corporation has accepted the appointments made by the act of 1883, and is proceeding to avail itself of the provision in said act contained. This seems to me to bring the case within *Appleton v. The Water Commissioners* (2 Hill, 433), cited and approved by Church, C. J., in his opinion in the *New York and Brooklyn Saw-mill and Lumber Company v. The City of Brooklyn* (71 New York, 584). The case seems to be distinguishable from that of *Maximilian v. The Mayor* (62 New York, 160), on the ground stated by Folger, J., in his opinion at page 170. It is hardly necessary to cite

an authority to show that the work in question is a city work or purpose, but if it be necessary, the opinion of Earl, J., in *The People ex rel. Murphy v. Kelly* (76 New York, 487) is conclusive. The learned judge says: "It is impossible to define in a general way with entire accuracy what a city purpose is within the meaning of the Constitution. * * * It would not be a city purpose for the city of New York to build a railroad from that city to Philadelphia, or to improve the navigation of the Hudson river generally, between that city and Albany, although incidental benefits might flow to the city. Such works have never been regarded as within the legitimate scope of municipal government. On the contrary, it would be a city purpose to purchase a supply of water outside of the city and to convey it into the city, and for such a purpose a city debt could be created. So lands for a park for the health and comfort of the inhabitants of a city could be purchased outside of the city limits, yet conveniently near thereto."

See, also, the opinion of Judge Earl in *Walsh v. Trustees of the New York and Brooklyn Bridge* (96 N. Y., 437), in which it is held that the trustees of the bridge are the agents of the two cities; and see *Ehrgott v. The Mayor, etc., of New York* (96 N. Y., 274).

On the whole case I am of the opinion that the officers created and appointed by the act of 1883 are local officers; that the functions they are to perform are for the peculiar corporate and pecuniary benefit of the corporation of the city; that, under adjudicated cases, the corporation of the city of New York is liable for their acts; that they are the agents of the city, and that the act expressly recognizes the city's liability upon their contracts. Such being the case, I do not see how it can be claimed that the appointees and employes of the aqueduct commissioners should be examined by the State Civil Service Commissioners as State officers, and not by the Civil Service board of the city of New York as local city officers. If, as has been shown, they are the agents of the city, they are not the agents of the State. The Legislature have simply exercised in their appointment a power which in the metropolitan police case it was held they possessed, to appoint new local city officers, but the exercise of such power of appointment did not change the local character of the office or of the officer.

The case of *Whitmore v. The Mayor, etc.* (67 N. Y., 21), is not in point. That case simply holds that clerks of the district courts of the city of New York are not city, but judicial officers, embraced within the judicial system of the State. The decision in that case only

followed the case of *Quin v. The Mayor, etc.* (44 How. Pr., 266, and 53 N. Y., 627).

It is contended by the corporation counsel that this proceeding is erroneously brought against nominal respondents, called the Civil Service supervisory and examining boards of the city of New York; that there is no corporation bearing that name; that the Civil Service boards have no corporate existence, and that the proper respondents to be brought into court are the individuals who compose the boards.

I think the counsel is right in this position, but as I understand him to assent that there should be an amendment, by which the respondents can be properly designated, I shall direct such amendment to be made. Much stress is laid by the learned counsel in his brief upon the inconvenience which will result from a determination that the employés of the aqueduct commissioners are subject to examination by the Civil Service boards of the city of New York. Such an argument can not, of course, be taken into consideration, if the court regards it as plain that the appointees and employés of the commissioners are not exempt from such consideration.

I can discover nothing in the act which entirely exempts such appointees and employés from a Civil Service examination, and it appears that they have neither been examined by the State boards nor by the city boards. The provisions of section 40 in regard to a certificate by at least three members of the commission, as to competency and fitness, are confined to appointments of inspectors or superintendents. It is very doubtful whether, in the case of those appointees, the Legislature intended that the certificate of the members of the commission should be in lieu of a Civil Service examination by the State board or by the city boards. It is not necessary for me to express an opinion upon that point, but the fact that a positive provision is made in regard to the certificate of qualification, to be obtained by certain appointees, is strong evidence that the Legislature intended that all other appointees should be subject to the general laws of the State in reference to examinations as to qualifications.

Let a mandamus issue in accordance with these views.

D. J. Dean, for the appellant.

Frederick W. Whitridge, for the respondent.

DANIELS, J.—The relator was desirous of securing employment as a clerk, copyist, recorder or book-keeper, by the aqueduct commissioners, for the construction of the new aqueduct, under

chapter 490 of the Laws of 1883. This work was wholly authorized for the benefit of the city of New York, to increase its supply of water, and the commissioners selected for its prosecution included the mayor, the comptroller, the commissioner of public works of the city of New York, and three other residents of the city. The property required for the enterprise was to be acquired by the city of New York, and the expenses of both the property and the work were to be provided for and paid for by the city. The State at large had no special interest whatever in the land to be obtained or the ends to be secured, but they were for the benefit, advantage and proprietorship of the city itself, and that was sufficient to constitute the persons who might be employed and engaged in it, officers, agents or employés of the city. They were accordingly, within the description of the persons required to be examined by the Civil Service Commissioners, as that is contained in section 8 of chapter 410 of the Laws of 1884. For that section includes and requires to be examined all candidates, not afterwards excepted, for admission into the Civil Service of the city. The regulations to be adopted were directed to include the several clerks and persons employed, or being in the Civil Service of the city, subject to the exceptions already referred to, which does not include the case of the relator ; and as he designed to seek employment from the aqueduct commissioners, and the business they were engaged in was that of the city itself, before he could be eligible to that employment his examination was required under this provision of the statute. For if he obtains the employment he sought, he will be in the Civil Service of the city itself. It is not necessary to inquire whether he will, in that manner, become an officer of the city, for this section of the statute is not restricted to that class of individuals, but it includes generally, all clerks and persons in the Civil Service of the city. The employment he desired to obtain was a part of that Civil Service, and it was indispensable before he could obtain it, that an examination to ascertain his fitness, in respect to character, knowledge and ability, should take place. For these reasons and those more at large assigned in the very full and complete opinion of Mr. Justice Lawrence, the writ of mandamus was lawfully directed to be issued at the suit of the relator, and the order from which the appeal has been taken should be affirmed, with costs.

BRADY, P. J., concurred.

Order affirmed, with costs. (41 Hun, 287. Affirmed 103 N. Y. Rep., 657.)

OPINION OF THE GENERAL TERM OF THE SUPREME COURT
IN THE FIRST JUDICIAL DEPARTMENT, MADE JANUARY
23, 1888. (47 HUN, 183.)

THE PEOPLE OF THE STATE OF NEW YORK *ex rel.* THOMAS J. KILLEEN
v. CLARENCE B. ANGLE, *Secretary of the New York Civil Service*
Commission, AND JOHN JAY AND HENRY A. RICHMOND, *comprising*
the New York Civil Service Commission.

Civil Service Law.—The Superintendent of Canals is not bound to make
appointments from the lists certified to him by the Civil Service Commis-
sioners. (Constitution, article 5, section 3.)

Under the Constitution and laws of this State, the Superintendent of Public Works is not bound to make appointments of any persons employed in the care and management of the canals from the eligible lists certified to him by the Civil Service Commissioners, as persons found qualified for the place upon a competitive examination under the statute and rules relating to persons in the Civil Service of the State. (Daniels, J., dissenting.)

To make the Superintendent of Public Works in this State, in his appointments, subservient to the Civil Service Law would be a clear violation of the provisions of section 3 of article 5 of the Constitution, creating the Superintendent of Public Works, which confers upon him the absolute power of appointment and removal of certain persons employed in the care and management of the canals. (Daniels, J., dissenting.)

Application for an order directing that a writ of mandamus issue to require the New York Civil Service Commission to admit the relator to examination as to his fitness for the office of clerk to the collector of canal statistics.

Everett P. Wheeler, for the relator.

Denis O'Brien, for the defendants.

VAN BRUNT, P. J.—The question presented by this application for decision seems to be as follows: Is the Superintendent of Public Works of this State bound under the Constitution and laws of this State to make appointments of any persons employed in the care and management of the canals from the eligible lists certified to him by the Civil Service Commission as persons found qualified for the place upon a competitive examination under the statute and rules relating to persons in the Civil Service of the State?

Upon the part of the defendants it is urged that among the powers conferred by the Constitution of the State upon the Superintendent of Public Works is the power to appoint certain persons employed in the care and management of the canals, who shall be subject to suspen-

sion and removal by him; and that the power of appointment conferred by the Constitution is necessarily interfered with and abridged if the superintendent is limited in his power of appointment to one of the three names certified to him by the Commission; or if a soldier appears upon the list, if his power of appointment is limited to this single person pursuant to the requirements of the Civil Service laws, and that his power of suspension and removal is also abridged or interfered with if, pursuant to the requirements of the statute, he shall be required to retain an appointee for three months in order to give him an opportunity of demonstrating that he is fitted for the position.

It seems to us that to make the Superintendent of Public Works of of this State, in his appointments, subservient to the Civil Service law would be a clear violation of the provisions of the Constitution creating the Superintendent of Public Works, which confers upon such Superintendent the absolute power of appointment and removal of certain persons employed in the care and management of the canals. It was evidently the intention of the Constitution that the Superintendent of Public Works should be solely responsible for the care and management of the canals; that he should, therefore, have an undivided authority to choose his own employés. Prior to the adoption of this amendment to the Constitution in 1876, in regard to the Superintendent of Public Works, the power therein conferred upon him was shared and the responsibility divided, between various boards and offices. Great abuses had arisen, it was believed, because of this division of power and responsibility; and the object of this amendment was to concentrate this power in and fix the responsibility upon the single head of a department, to be known as the Superintendent of Public Works. If the Legislature, either directly or indirectly, have any right to interfere with the Superintendent of Public Works, either in the performance of the duties devolved upon him by the Constitution or in the selection of all his appointees, then the object of this amendment of the Constitution has failed to effectuate the purpose for which it was enacted.

The power given to the superintendent is absolute. No language could confer the power in broader terms. The superintendent alone is to appoint, suspend or remove. He is to determine qualifications. As he is to be solely responsible for the work done, he is not to be allowed to shelter himself behind the excuse that he is not responsible because he could not select his own employés. By the rules of the Civil Service board, the superintendent is bound to select one from three names specified by the Civil Service Commission; or, if a soldier

happened to have passed the examination, then his name alone can be certified; the superintendent's choice is limited to a single individual, and thus the appointing power becomes the Civil Service Commission, who, if the applicant is a soldier, may certify only one person for appointment, and upon this certificate the superintendent must appoint. The superintendent must simply conform to their selection, and has no will of his own, nor can he exercise any judgment or discretion in respect to the matter. This would seem to take away from the superintendent the very power which the people by the amendment to the Constitution intended to confer upon him.

It is claimed, however, by the counsel for the relator, that the operation of the Civil Service Law, instead of limiting the scope of selection, largely increased it, because the appointing officer himself may not only send for examination persons known to him, or recommended to him, but the examination is open to all, and that it is not now necessary that the applicant for office should personally know the appointing officer, or that he should be pressed upon him by politics or personal friends.

In this statement, officers are relieved in many instances from great pressure and importunity in the making of appointments, but this fact in no way operates to restrict the provisions of the Constitution relating to the powers of the Superintendent of Public Works, nor can this circumstance modify what was the plain intent of the people in the adoption of the amendment of 1876 to the Constitution referred to.

It also appears manifest that his power of removal and suspension is trenched upon if he is obliged to retain a candidate selected upon probation for three months. In fact, his power of appointment is limited, and his power of suspension and removal restricted both by the provisions of the statute and by the rules and regulations adopted pursuant to the statute. But it is contended, on behalf of the relator, that the sixth section of article 5 of the Constitution must be read in connection with section 3. This section reads as follows: "The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law." Our attention is also called to a clause in section 18 of article 3 of the Constitution, which after naming a large number of subjects on which the Legislature shall pass general laws, provides as follows: "And for all other cases which, in its judgment, may be provided for by general laws," and these provisions, it is claimed, give the Legislature discretion to pass general laws on every subject save those expressly excepted by the Constitution.

If this construction is to prevail, then it seems to have been an idle ceremony upon the part of the people, in their amendment of 1876, to have given constitutional powers to the Superintendent of Public Works if such powers can be taken away by legislative action.

The grant of power to the superintendent was extraordinary and unusual. It became part of the organic law of the land, such organic law, it having been always supposed up to the present time, being beyond the reach of mere legislative action. The rule that amendments and additions to the Constitution must be read in connection with the whole instrument, and that they do not supersede any provision to which they are not repugnant, is undoubtedly well established, but the application of this rule in no way aids the position of the relator.

It is also a primary rule of constitutional and statutory construction that the intent of the makers of the Constitution or law must prevail in its construction, and that for the purpose of ascertaining such intention we may consider the cause or necessity for adopting the Constitution or passing the statute as well as other circumstances. (People *ex rel.* Wood v. Lacombe, 99 N. Y., 43, and cases there cited.)

It has already been seen that the object of the amendment of the Constitution was to concentrate power and responsibility; to put the question of canal care and management beyond legislative control. With this object in view, constitutional powers were given to the Superintendent of Public Works, and the necessary presumption is that, when power is conferred by constitutional provisions, with no explicit power of legislative interference, it was intended that there should be no legislative interference with such constitutional powers. The fact that the same instrument contains a general provision as to the powers and duties of the respective boards and of the several officers mentioned in the Constitution, that they shall be the same as they then were or hereafter shall be prescribed by law, in no way militates against this view, even if both clauses were adopted at the same time. But where the provision giving the constitutional power is interpolated by way of amendment, it is manifest that it was not the intention to confer this constitutional power as mere matter of form, which would be the case were it subject to legislative action.

It is further to be noticed that a large number of State officers and boards were provided for in this article, including the managers of the canal, and not a word was inserted therein as originally adopted with reference to the powers and duties of any of these officers or boards. The Legislature was then given such control of the powers

and duties of these boards by said section 6 as was necessary. But when the section creating the office of Superintendent of Public Works was inserted, a different policy was pursued and his powers and duties were regulated by constitutional provision, a deviation so marked from the previous condition of constitutional enactment that it must have been adopted for some good and sufficient reason. In support of the claim of the relator, attention is called to the case of *Capen v. Foster* (12 Pick., 485), in which the constitutionality of laws for the registration of voters, and for ascertaining the qualifications of persons entitled to vote, were sustained. The constitution of Massachusetts fixed the qualifications of voters, but did not prescribe how these qualifications should be ascertained. By fixing qualifications to the exercise of the elective franchise, it was absolutely necessary that the qualification should be ascertained in some way, and the constitution not having prescribed the method, it was clearly within the power of the Legislature to formulate the method.

In the case at bar no qualifications are affixed to the power of appointment conferred upon the Superintendent of Public Works. It is absolute and unrestricted. The provisions of article 2, section 2, paragraph 2 of the Constitution of the United States is in no respect similar to the one under consideration. It is as follows: "Congress may, by law, vest in the appointment of such inferior officers, as they think proper, in the President alone, in courts of law, or in heads of departments."

By this provision the whole subject is submitted to the legislative action of Congress, and being so submitted the subject was under their control. If the provision had given the President alone the power of appointment and removal, then the cases would have been similar, but when the subject by the Constitution is referred to the legislative branch of the government for action, it necessarily confers power to act in the way which best accords with public interests.

By section 2 of article 6 of the Constitution, the Court of Appeals is authorized to appoint its reporter, clerk and attendants. It was the evident intent of the framers of the Constitution that the court should be untrammelled in their selection. The appointees were persons coming into immediate contact with the court, charged with important duties and over whom it was necessary that the court should have absolute and immediate control. This the Constitution gives, and this the Legislature can not take away. The provision is precisely analogous to that relating to the Superintendent of Public Works. The application of the relator must, therefore, be denied.

Brady, J., concurred.

BRADY, J.—My brethren have elaborately discussed the question presented upon this appeal, but differ in their construction of the constitutional provision involved. Section 3 of article 5, which created the office of Superintendent of Public Works, declares that he shall be “charged with” the execution of all laws relating to the repairs and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor. And, further, that subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. This imposes upon him imperative duties and personal responsibilities as indicated by the words “charged with.” The word “charge” is defined to be: “To put upon as a task or duty; to overload; to burden; to commission for a certain purpose; to intrust; to lay on or impose as a load or burden; as a task or duty, or trust.”—[Worcester-Webster.] His status is thus defined, and in order as well to enable him to discharge these duties as to prevent his shifting the responsibility for any failure in respect to them upon subordinates appointed by another person, he was empowered to select his assistants and others, subject to suspension or removal by him, whenever, in his judgment, the public interest should so require. The section does not by any phrase suggest the control of the Legislature over him, except as to the rules and regulations for the navigation or use of the canals, which he is required to make. *Expressio unius est exclusio alterius*. By section 5 of the same article it is provided, it is true that the powers and duties of the several officers mentioned in the article shall be “such as now are or hereafter may be prescribed by law.” This must relate to other powers or duties that might be prescribed by law and not expressly conferred by the Constitution itself. The power to appoint and suspend or remove had been conferred, and no legislation on that subject was necessary. It was a gift from the higher law. It was an existing authority, and therefore one of “such as now are” prescribed by the organic law, if, indeed, the provision has any relation to the power of appointment given him by section 3.

This power was in strict harmony with the intention to put upon him personally a faithful discharge of all the duties of his office, to accomplish which he was permitted to select the persons to assist him and to suspend or remove them, if necessary, for the public interest. I think the power is absolute, and can not, therefore, be invaded by legislation. If it were otherwise, the superintendent would be held responsible for the defects of persons not chosen by

him, in the sense of the Constitution, from the State at large, but from a few selected by others, and practically appointed by them, though indirectly. He can not select from the applicants, but from those of them certified to him, and who might or might not be fit for the position acquired, notwithstanding the certificate given.

I concur with the presiding justice.

DANIELS, J., (dissenting).—The application of the relator was made under the authority of chapter 354 of the Laws of 1883, and the acts since passed amendatory thereof, and the rules adopted pursuant to this authority by the Governor, with the aid of the Civil Service Commissioners, to carry the provisions of the law into effect. By a stipulation entered into between the Attorney-General and the attorneys for the relator it has been agreed that the writ is not to be issued unless the court shall hold and decide that the Superintendent of Public Works is bound, under the Constitution and laws of the State, to make appointments to the office or position of collector of canal statistics from the eligible list furnished and certified to him by the Civil Service Commissioners of persons found qualified for the place upon a competitive examination under the statute, and only relating to persons in the Civil Service of the State. If the superintendent is not bound by law to make the appointments from such list, then the relator hereby expressly waives his demand or claim for a mandamus in this case.

This stipulation has reduced the substantial controversy, therefore, to the question whether the superintendent is required to comply with the statutes relating to the Civil Service of the State in the appointments made by him to the offices or positions of collectors of canal statistics. That the statutes, as well as the rules adopted under them, include those positions is not a controverted point in the case. Neither can it be, for by sections 6 and 7 of the act of 1883, all subordinate places, clerkships and offices in the public service of the State are to be filled in the manner prescribed by the statutes. The only exceptions which have been made are those of elective officers, laborers or workmen, and persons whose nomination for official employment is subject to the confirmation of the Senate. The office of collector of canal statistics is not within either of these exceptions, and to become qualified for such an appointment under the provisions made by the statutes, a preceding examination of the competency and capacity of the applicant has been rendered necessary. By the rules adopted under the statutes, three qualified persons are directed to be nominated, or reported to the appointing authority, out of which a selection may be made, and the preference

in making the selection has been secured to honorably discharged soldiers and sailors who served in the army or navy of the United States in the late war. The appointing power, however, is not obliged in the first instance to make an absolute appointment, but to select from the persons reported to him a proper individual, in his judgment, for the appointment, who is to serve probationarily for the period of three months before any absolute appointment shall be made. If, during that time, the selection proves to be for any reason unsatisfactory, then provision has been made for certifying other competent persons to the appointing official for his selection in like manner of a probationary candidate for the office. And that is to be from time to time repeated until a suitable selection shall be made by and in the discretion of the appointing officer.

It is not denied but that the Legislature possessed ample authority for the enactment of the statutes for supplying official appointments to subordinate positions, when those positions may have been created by or under the authority of the Legislature. But the authority of the Legislature has been denied, and the statutes themselves are objected to as inapplicable, when by the Constitution of the State the power of appointment to the subordinate office or position has been vested in any officer or tribunal. And section 3 of article 5 of the Constitution is relied upon as having vested in the Superintendent of Public Works this unqualified authority to select and appoint the subordinates in his own department. This section of the article was first made and adopted as a part of the Constitution in 1876. Before that the officials who were charged with the control and management of the canals of the State were three Canal Commissioners. And, by the change made in 1876, their office was abolished and a Superintendent of Public Works was directed to be appointed, who was "charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor." It has been further directed in this section that he should appoint not more than three assistant superintendents, whose duties should be prescribed by him, subject to modification by the Legislature. And then follows the general direction, upon the construction and effect of which this application is dependent, that "all other persons employed in the care and management of the canals, except collectors of tolls and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him."

This power of appointment and removal is urged by way of answer to the application, to be unqualified and absolute, beyond the power, regulation or interference, in any respect, of the Legislature of the State. But this amended section was not inserted in or added to the Constitution to stand entirely unqualified and by itself. It was made a part of article 5 of the Constitution, and placed in the same relation to it as the preceding section, whose place it has taken, was, providing for the offices of the Canal Commissioners, which were abrogated and discontinued by the adoption of this section. And placing it in that position in the Constitution is a circumstance indicating the intention to have been that it should be subject to legislative authority, as the preceding provision was whose place it has now been made to occupy. If that had not been the intention of the amendment, it is fair to presume that it would have been otherwise inserted in the Constitution. And that might very well have been done by assigning it to some other position where its authority or directions would remain free from all additional qualifications. But that was not the disposition which was made of this amendment, but it was adopted as a substitute for the preceding section, occupying the same position in article 5 of the Constitution. And being adopted and placed in that position it was subjected to the qualification contained in section 6 of the same article. No intention has been evinced, either by the object or language of the amendment, to relieve it from this qualification. But by placing it in the same article, it appears to have been designed that it should be qualified by what has been contained in that section, and that has provided that "the powers and duties of the several boards and of the several officers in this article mentioned, shall be such as now are, or hereafter may be, prescribed by law." This section is in no manner repugnant to anything contained in the amendment, for this amendment has not provided that in the exercise of this authority the Superintendent of Public Works shall be free from the control of all future legislation. Neither has it been declared, or provided by it, that the Superintendent, in making his appointments, shall be at liberty to select the appointees from the citizens of the State at large. It has neither expressly nor by implication declared that the exercise of the appointing power vested in him should be free from or not subject to the qualifications which might afterwards be annexed to its use by judicious legislation. And as the section was not adopted in the form creating this unqualified authority, it must have been the intention to subject this power of appointment to such legislation as might afterwards be prescribed by law. Both the amendment and

the other provisions of the Constitution are required to be considered and construed together, and harmonized so far as that may be practically accomplished. And this construction not only harmonizes with the general provisions contained in section 6 of the same article, but nothing has been inserted in the amendment evincing the design to have been that the latter section should not remain applicable to the amendment; and that amendments to the Constitution after their adoption shall be held and considered to be affected by the other provisions contained in it, was held to be true in *Gilbert Elevated Company v. Anderson* (3 Abb. N. C., 434).

It was there said by Allen, J.: "So, too, the amendments and directions, as adopted from time to time, must be read, interpreted and applied as parts of the entire instrument, and not as isolated provisions. They do not supersede or annul the prior enactments of the Constitution, except as one clause or paragraph is expressly substituted for another." (Id., 452.) And giving all the authority to this amendment mentioned and described in it, by section 6 of the same article, the exercise of the appointing power could still be regulated by legislation (Hun., vol. 47).

In the same year section 4 of this article was amended by providing for the appointment of a Superintendent of State Prisons, who was in like manner given authority to appoint certain subordinates; and by substituting it for, and giving it the place of, the preceding section of the article and thereby subordinating it to section 6, it was made further manifest that the performance of the powers and duties was intended to be made subject to the action of the Legislature. These amendments were proposed by the Legislature, whose members, in adopting them, must be presumed to have been familiar with and to have had the other sections of the article in mind at the time, and the effect they might be expected to have upon the construction of the amendments themselves; and from placing the amendments in this part of the article, good reason exists for believing, as a matter of fact, that they were intended to be qualified by what has been provided for by this succeeding sixth section.

No convincing reason is perceived for exempting these appointments from the control of this legislation. Its object has not been to subvert or divest the power of appointment created by the amendments, but it has been directed to secure such a management or use of the power of appointment as may render it more efficient, competent and promotive of the public welfare than it otherwise might be. The object of this legislation has been to provide a mode for first testing and ascertaining the competency and qualifications of

the persons intending to be applicants for appointments to these subordinate offices or positions mentioned in the statutes, before any selection for either of them shall be made. It has been no part of the purpose of this legislation, or of the rules adopted in pursuance of it, to divest either the Superintendent of Public Works or the Superintendent of the State Prisons from exercising their power of appointment, but its sole object has been to supply the appointing officers with candidates for selection and appointment, found upon examination to be possessed of qualifications rendering them entirely competent for the discharge of the duties of the offices for which they may be selected. The superintendent still remains vested with the unqualified power of appointment, but the selection of his subordinates has been limited to the persons who, upon examination, are in this way first found to be qualified for the position. These amendments, as well as the other portions of the Constitution, are to be construed according to the import of the language employed in framing them. The same practical construction is to be given to them as the courts are in the habit of applying to the construction of statutory provisions. The object is to extract the meaning of the language which has been employed. (*People ex rel. Jackson v. Potter*, 47 N. Y., 375, 379.) And this rule has been followed in the federal courts when the construction of provisions of the Constitution of the United States has been presented for decision. And it has been held that the "words are to be taken in their natural and obvious sense, and not in a sense unreasonably restricted or enlarged." (*Martin v. Hunter's Lessee*, 1 Wheaton, 304, 326; *Prigg v. Pennsylvania*, 16 Peters, 539, 610, 611; *Gibbons v. Ogden*, 9 Wheaton, 1, 188, 189.)

The entire legislative authority of the State has been vested by the Constitution in the Legislature. (*Bank of Chenango v. Brown*, 26 N. Y., 467, 469.)

And no act or acts of the Legislature are to be disregarded and declared void as in conflict with constitutional authority unless a clear and substantial inconsistency shall be found to justify their condemnation. (*Matter of Bayard*, 25 Hun, 546, 547, 548.)

There must be a clear repugnancy between the two, as there must be between earlier and later legislative acts, to entitle the later act to supersede or repeal the earlier. *Hankins v. Mayor, etc.* (64 N. Y., 19, 22), and *Matter of Thirty-fourth Street Railroad Company* (102 Id., 343), where it was said in the course of the opinion of Andrews, J., that "It needs no citation of authorities to sustain the postulate that, except as restrained by the Constitution, the legislative power

is untrammelled and supreme, and that a constitutional provision which withdraws from the cognizance of the Legislature a particular subject, or which qualifies or regulates the exercise of legislative power in respect to a particular incident of that subject, leaves all other matters and incidents under its control." (Id., 350.) And this was again repeated by Allen, J., in *Gilbert Elevated Company v. Anderson* (*supra*), in which the principle was declared and enjoined that "In the interpretation of the Constitution, all restrictions upon the legislative power in matters affecting the general public affairs of the State, such matters as come within the general scope of ordinary legislation, having respect to the general interests and the governmental policy of the State, are to be strictly construed, and are not to be extended by implication or inference to matters not clearly within the terms of the restricted clauses. It will not be presumed that the people intended to derogate from the general powers of the Legislature further than they have in express terms declared. All legislative power is expressly committed to the Senate and Assembly, and any limitation of or withdrawal of such power must be express; and if ambiguous language is employed in the imposition of restrictions, all doubts must be solved in favor of the general powers of the Legislature, and the limitations must be confined within the terms employed." (*Elevated Railroad Company v. Anderson* (*supra*), 3 Abb. N. C., 452.) And the assertion of this general principle certainly met with no denial on the part of either of the members of the court, but it was apparently sanctioned and approved; and it is not giving it too much effect to say that it maintains the legislation now in controversy.

Both these statutes and this amendment of the Constitution, providing for the appointment and authority of a Superintendent of Public Works, can well stand and subsist together, for the superintendent will still have the power of appointment which the amendment has created, and the power of removal also, even though he may be obliged, in exercising the former, to make his selections for subordinate positions from the persons certified to him to be competent and qualified for these appointments. There is no such hostility or conflict between the two as, under the well-settled rules adopted in this manner by the courts, will justify the conclusion that these statutes can not be applied to the selection of these subordinates by the Superintendent of Public Works without abridging his constitutional authority.

And argument opposed to this construction has been made by the Attorney-General from that part of section 2 of article 6 of the

Constitution which provides that the Court of Appeals shall have the appointment, with power of removal, of its reporter and clerk, and all such attendants as may be necessary. But this power of appointment has not been qualified, as the power now in controversy has, by section 6 of article 5 of the Constitution. It has been given in absolute and unqualified terms to the judges of the Court of Appeals, and has not been made subject to such regulations as may be prescribed by law, as the appointing power of the Superintendent of Public Works has. The same answer is as complete and effectual to the effect of the case of *Menges v. City of Albany* (56 N. Y., 374), for the power of appointing the commissioners of appraisement was given to the court by the Constitution, without subjecting it to any legislative qualification, and for that reason the Legislature could not restrain or interfere with the exercise of that authority. That, however, which has been vested in the Superintendent of Public Works is not of this unqualified description, but it has been created subject to the future action of the Legislature, so far as that action shall not divest him of his power of appointment, but merely regulate its exercise in such a manner as shall be deemed by the Legislature to be more *consistent and certain* to secure the appointment of qualified and competent subordinates. That is all that the Legislature has undertaken to provide for. It is to regulate and prescribe the qualifications of the persons who are to be appointed, and that regulation has been expected and designed to secure the appointment of a better qualified class of incumbents than might be selected by the superintendent without the aid and assistance of the preceding examination the law has required to be made. So far as its enactments have extended, it has not abridged the authority of the superintendent, but it has supplied the means which, in the judgment of the Legislature and executive, are best adapted for certainly securing a competent and faithful class of incumbents.

It appears that one of the members of the Civil Service Commission resigned his office before the application for this writ was made, and no person has been appointed by the Governor to fill the vacancy. And it has been contended by the Attorney-General that the two remaining commissioners are incapable of executing the provisions of the law required to be observed and carried into effect by their board. But this argument appears to be opposed to section 15 of chapter 354 of the Laws of 1883, by which it has been enacted that "a majority of the members of said board shall constitute a quorum, but a less number may adjourn from day to day." One object of this provision was to vest the majority with the power, when there should

be no third commissioner, or when he should be unable to act with them, to execute the authority of the statute. And having been invested with that power, it has not been abrogated by the resignation of the other member of the commission, and the omission to the present time of supplying his office by appointment. This general subject has been further provided for by the Revised Statutes. It was there enacted that "Whenever any power, authority or duty is confided by law to three or more persons, and whenever three or more persons or officers are authorized or required by law to perform any act, such act may be done and such power, authority or duty may be exercised and performed by a majority of such persons or officers upon a meeting of all the persons or officers so intrusted or empowered, unless special provision is otherwise made; and whenever a duty has been or shall be enjoined by law upon three or more persons or officers, and one or more of them shall have died, or have become mentally incapacitated to act, or shall refuse or neglect to attend a meeting of such persons upon reasonable personal notice thereof, then the action of a majority of the whole number appointed shall be binding and effectual for all the purposes for which they were appointed; unless special provision is otherwise made in existing laws." (3 R. S. [6th ed.], 862, § 29.) And this case is within the spirit and intent of this section, for after the resignation of the third commissioner there was no person to be invited to meet with the other two, or, in fact to meet with them, and their power to act accordingly became unqualified. And this authority also has the sanction of *The People ex rel. Kingsland v. Palmer* (52 N. Y., 83, 87, 88). There is nothing in the nature of the power vested in the commissioners necessarily requiring on their part the action and concurrence of more than a majority of the members of the board. The examinations provided for may be completely made under their authority, and they are entirely competent to certify the result to the officers authorized to make selections and appointments. And as the statutes which have been considered do not appear to be in conflict with the constitutional amendment, the motion for the mandamus should be allowed to prevail.

Application denied.

OPINION OF THE COURT OF APPEALS, JUNE 5, 1888 (SICKLES, 109 N. Y., 564).

THE PEOPLE EX REL. THOMAS G. KILLEEN, *Appellant*, v. CLARENCE B. ANGLE, *Secretary, etc., Respondent*.

Under the provisions of the State Constitution, as amended in 1873 (article 5, section 3), conferring upon the Superintendent of Public Works the power to select and appoint his subordinates, that officer has the exclusive power to determine as to the propriety of such appointments and the sufficiency of the qualifications of proposed appointees.

Any legislation, therefore, which relieves the superintendent from the obligation to exercise his judgment and skill in making an appointment, or imposes restrictions upon the exercise of the power conferred, is unconstitutional.

The provision of said Constitution, contained in the same article as the one above referred to before it was amended (article 5, section 6), declaring that the powers and duties of the boards and officers mentioned in the article "shall be such as are now or may be hereafter prescribed by law," does not apply to the officers created by the amendment.

Constitutions, as well as statutes, must be so interpreted as to give effect to every part thereof and leave each part some office to perform; a construction is unauthorized which deprives any part of effect and meaning when it is susceptible of another interpretation.

Where there is a repugnancy between a constitutional amendment and some provision in the original, which can not be so construed as to have them both stand and leave to each a legitimate office to perform, the original must be deemed to have been repealed by the amendment.

Accordingly held, that the subordinates, whom said superintendent is so authorized to appoint, do not come under the act creating the Civil Service Commission (chapter 354, Laws of 1883); and that the said act and the rules promulgated under it, so far as they attempt to intrench upon this power of appointment, are inoperative and void.

(Argued April 24, 1888; decided June 5, 1888.)

Appeal from order of the General Term of the Supreme Court in the First Judicial Department, made January 23, 1885, the nature of which is set forth in the opinion. (Reported below, 47 Hun., 183.)

Everett P. Wheeler, for appellant.

Though the Legislature has no power under the language of a particular Constitution to appoint persons to office, yet it may constitutionally regulate the mode of appointment. (People v. Hurlbut, 24 Mich., 44; State v. Kenno, 7 Ohio St., 546; Capen v. Foster, 12 Pick., 485; People v. Lacombe, 99 N. Y., 43.) The right of the

Legislature to prescribe and ascertain qualifications is not inconsistent with the executive power of appointment. (*Ex parte* Curtis, 106 U. S., 371; *U. S. v. Curtis*, 12 Fed. Rep., 484.) The Legislature may regulate the exercise of a power conferred upon a coördinate branch of the government. (Const. of N. Y., art. 6, sec. 6; *People v. Dwyer*, 90 N. Y., 402; *in re Oldham*, 89 N. C., 23.) An act will not be declared void unless clearly unconstitutional. (*Metropolitan Bank v. Van Dyke*, 27 N. Y., 409; *in re Jackson*, 14 Blatchf., 245; *McCulloch v. State of Maryland*, 4. Wheat., 421, 423; *People v. Flagg*, 46 N. Y.; *People ex rel. Hatfield v. Comstock*, 78 id., 361; *in re Thirty-fourth Street R. R. Co.*, 102 id., 343, 350; *People ex rel. Smith v. Fisher*, 24 Wend., 220; *Lewis' Appeals*, 67 Penn. St., 153; *in re Gilbert El. R. R. Co.*, 70 N. Y., 361; *People ex rel. Williams v. Dayton*, 55 id., 380; *People v. Supervisors of Orange*, 17 id., 241.) The true rule is that amendments and additions to the Constitution must be read in connection with the whole instrument, and do not supersede any provision to which they are not absolutely repugnant. (*Gilbert El. R. R. Co. v. Anderson*, 3 Abb. N. C. 452; *Settle v. Van Evrea*, 49 N. Y., 284; *Manley v. State*, 7 Ind., 135; *in re Clinton St.*, 2 Brewst. [Penn.], 599; *Sedgwick on Statutory and Const. Law*, 106; *Holbrook v. Nichol*, 36 Ill., 161.) Public offices in this State are not incorporeal hereditaments, nor have they the character or qualities of grants, but they are agencies. They are created for the benefit of the public, and not granted for the benefit of the incumbent. (*Connor v. City of New York*, 5 N. Y., 294; *Smith v. City of Poughkeepsie*, 37 id., 511.) The Civil Service Act is not in violation of article 12 of the Constitution, which provides that "no other oath, declaration or test shall be required as a qualification for any office of public trust." (*In re Met. G. L. Co.*, 84 N. Y., 526; *People v. Briggs*, 50 id., 553.) The clause in the Federal Constitution as to the appointing power construed. (*Brown v. United States*, 113 U. S., 571; *People v. Dayton*, 55 N. Y., 367; *Stewart v. Laird*, 1 Cranch, 299, 309) Congress has power to prescribe the qualifications of persons to be appointed by the executive and to provide means for ascertaining such qualifications by implication from its legislative power, and this is not inconsistent with the power of appointment vested solely in the executive. (*U. S. v. Hartwell*, 6 Wall., 393, 394.)

D. O'Brien, for respondent:

The power given to the heads of the various departments of the State government to appoint subordinates is, as a general rule, a statutory one. In so far as it is conferred by statute, it may be taken

away by the same power which conferred it. It may be modified, or the Legislature may provide for its exercise under certain conditions, restrictions and limitations, but when the power and duty to appoint is conferred by the Constitution itself, as in the case at bar, the Legislature can not interfere; and the Civil Service act and the regulations under it, so far as they attempt to limit the power of appointment conferred upon the Superintendent of Public Works, are void. (Const., art. 5, sec. 3; *Barker v. People*, 3 Cow., 686; *Menges v. City of Albany*, 56 N. Y., 374.) If the word test, as used in article 12 of the Constitution, is to be given the same meaning as the Legislature gave it in section 15 and other sections of the act of 1883, then the provisions of said article as to the oath to be taken by officers operates as a limitation upon the power of the Legislature to require applicants for positions under the Superintendent of Public Works to possess any other qualifications than those expressly required by the Constitution. (*Barker v. People*, 3 Cow., 686; *People v. McKinney*, 52 N. Y., 374.)

RUGER, Ch. J.—This appeal brings before us for review an order of the General Term of the Supreme Court denying an application for a mandamus to compel the New York Civil Service Commission to admit the relator to examination as to his fitness to perform the duties of the office of clerk to the collector of canal statistics. It is claimed that the relator became entitled to the writ by virtue of the provisions of chapter 354 of the Laws of 1883, creating a Civil Service Commission and the rules issued in pursuance of authority thereby conferred. It must be conceded that this claim is well founded, provided the statute and rules are to be enforced according to their plain meaning and intent. It is, however, contended by the respondent that, so far as such statutes and rules intrench upon the power and authority to manage and control the business of the canal department, and appoint, remove and suspend subordinates at pleasure, conferred upon the Superintendent of Public Works by the Constitution, they are unconstitutional and void, and, therefore, neither impose the duty nor confer authority upon the Commission to make the examination applied for. This contention brings before the court one of the most important and delicate duties it is called upon to perform, viz., that of pronouncing upon the constitutionality of an act of the Legislature, and, within settled rules, it requires a case to be made showing clearly that the statute, when fairly and reasonably construed, is brought into conflict with some provision of the Constitution, before the court can be justified in pronouncing it an unauthorized expression of legislative will. If the act and the Constitution can be so construed

as to enable both to stand and each can be given a legitimate office to perform, it is the duty of the court to give them such construction; but if this can not be done, it is equally our duty to declare the supremacy of the constitutional provision, and the nullity of the statute. While every presumption is in favor of the constitutionality of the law, if, nevertheless, it appears that its enforcement must necessarily produce a conflict with the letter or spirit of the Constitution, it is the duty of the court to condemn the law.

There is but little dispute between the parties as to the rules governing the interpretation of statutes, and that subject may be disposed of by reference to the rule stated in the head-note of the People *ex rel.* Jackson v. Potter (947 N. Y., 375), which reads as follows: "The established canons of construction applicable to statutes, to wit: that the intent of the lawmaker is to be sought for, and, when discovered, is to prevail over the literal meaning of the words of any part of the law; and that this intent is to be discovered, not alone by considering the words of any part, but by ascertaining the general purposes of the whole, and by considering the evil which existed calling for the new enactment, and the remedy which was sought to be applied, apply as well to the construction of a constitution as to that of a statute law." It will be convenient then, at the outset, to refer briefly to the history of the constitutional amendment of 1876, and the causes which led to its adoption, and thus obtain a view of the object which its framers designed to accomplish thereby. Previous to its adoption, for many years the management and control of the canals of the State had been mainly intrusted to the supervision of three Canal Commissioners, each one having special charge of a separate division of the canal, and to a Board of Canal Commissioners and the Canal Board, each having functions to perform with sometimes joint and sometimes divided responsibility therefor. Under such an administration of canal affairs great complaints had been made of the waste, extravagance and inefficiency of the system, and the facilities for fraudulent practices afforded to public speculators, and the difficulty of determining, in the multiplicity of the officers having authority over the subject, who was justly responsible therefor. It was therefore considered desirable that a change should be made in the method of conducting that department of the public business. (Appleton's Encyclopædia for 1875, title New York.) After a lengthy and continued discussion of the subject, it was, by very general consent, determined that a system by which the duties theretofore performed by the various boards and officers having charge thereof should be devolved upon a single officer

who should give security and be held solely responsible for the faithful performance of such duties, would effect the reforms deemed desirable, and the amendment to the Constitution was therefore adopted. So far as it is material to the questions here involved, it reads as follows :

“A Superintendent of Public Works shall be appointed by the Governor. * * * He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the care and navigation of the canals and, * * * subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. * * * The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature. * * * All other persons employed in the care and management of the canals, except collectors of tolls and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works and shall be subject to suspension and removal by him.”

It is apparent from these provisions that it was intended thereby to create a new scheme for the management of the canal affairs of the State; the principal feature of which was to give large authority to the superintendent in his management and control, and to hold him to personal accountability for any failure to exercise such powers in the interest and for the benefit and advantage of the people. As an incident of this scheme the superintendent was given power, subject only to his sense of duty and the obligations of his oath of office, to select and appoint his subordinates, and was to be made personally responsible for the faithful performance of the duties assigned to them. It was plainly intended thereby to leave to the superintendent exclusively the determination of the propriety of such appointments and the sufficiency of the qualifications possessed by proposed appointees and to hold him responsible for the faithful exercise of his intelligence, judgment and discretion in the performance of that duty. The broad grant of power excludes the idea that it was intended that he should be hampered, restricted or regulated in its exercise by any extraneous authority whatever, except such as might be authorized by other constitutional limitations expressly applicable thereto. When this amendment was adopted, the people had plainly before them the question of the mode thereafter to be pursued in appointing subordinate officers of the canals, and they decided to confide their selection to

the superintendent and trust to his judgment for the faithful performance of that duty. This decision can not be reversed or disregarded without overthrowing the fundamental law, although it may be thought that a better method of performing such duties has since been discovered. Any provision of law, therefore, which materially interferes with the freedom of selection conferred upon the superintendent and the uncontrolled exercise of his judgment in investigating and determining the fitness and propriety of contemplated appointments, seems to us not only to conflict with the terms of the Constitution, but plainly to violate its spirit and intent. (*Menges v. City of Albany*, 56 N. Y., 374.)

A very brief summary of the provisions of chapter 354 of the Laws of 1883 and the rules adopted thereunder, so far as they are material to this discussion, will show to what extent, if any, the choice of the superintendent in the appointment of his subordinates has been affected by the Civil Service legislation. The act provides for the appointment by the Governor, with the advice and consent of the Senate, of three persons to constitute a Civil Service Commission. This Commission is charged with the duty of aiding the Governor in preparing rules to carry into effect the act, and, among other things, to provide for competitive examinations, for testing the fitness of applicants for public service, now classified or to be classified hereafter. It was further provided that "all the offices, places and employments so arranged or to be arranged in classes shall be filled by selections from among those graded highest as the results of such competitive examinations." Section 7 then enacts that "after the termination of eight months from the expiration of the present session of the Legislature, no officer or clerk shall be appointed to, or promoted in either of the said classes now existing, or that may be arranged hereafter, pursuant to said rules, until he has passed an examination or is shown to be specially exempted from such examination in conformity herewith."

It was conceded that the office sought by the relator is classified in such rules, under Schedule "B," as an office subject to the provisions of the act. By rule 17, it was further provided, "Whenever any officer having the power of appointment to or employment in any grade or subdivision in this schedule shall so request, the Commission shall certify to him the names of three eligible persons who are graded highest on the proper register, indicating such of them, if any, as have been honorably discharged from the military or naval service of the United States in the late war. From the three persons whose names are so certified, the officer

shall make a selection to fill the vacant place, subject, however, to the provisions of rule 44." This rule requires such appointment to be filled by a person honorably discharged from the army or navy in the late war, though graded lower than the others so examined, provided there be such persons on the list furnished. It thus appears that the superintendent is absolutely prohibited from making any appointment to a place authorized by the Constitution to be filled by him, unless such person has passed the examination required by the act. He is further restricted to a selection from among the names of three persons certified to him by the Commission, unless one of such persons shall be a soldier or sailor honorably discharged from the service of the United States in the late war, in which case he is required to appoint such soldier or sailor, whatever his grade may be, upon such list, to the exclusion of all other applicants. We are not at all disposed to question the merits of the scheme of Civil Service administration which has been inaugurated under these laws, but we believe that one which more effectually annuls and overthrows the system of canal management provided by the Constitution could scarcely be devised. Under this law, the superintendent is absolutely deprived of the exercise of any judgment, choice or discretion in the matter, and is required in some cases to appoint the single individual whose name is presented to him by the Commission, and in all other cases his choice is limited to a selection from among three persons whose names may or may not be all submitted to him by the same body. Under the Constitution the superintendent is at liberty to select any person for appointment from among the million or more citizens of the State eligible to such office, while under the statute he can, at the best, only select from the three names furnished to him by a tribunal over whom he has no control and the efficiency of whose tests he may entirely disapprove. Whether this mode of selecting the officers in question is a wise and better one than that provided by the Constitution can not affect the decision of this appeal, for the sole question here is whether, in its practical operation, the statutory scheme takes away the power otherwise bestowed by the organic law. It is also quite immaterial that the board authorized to present names for the superintendent's choice determine such names by arbitrary rules which exclude the idea of any discretion or personal preference on its part in their selection, for the question is whether the mode provided materially impairs or destroys the scheme provided by the Constitution. If it does, then it is repugnant to the Constitution and must be condemned, for the law imputes to the Legislature an intention to effect those results which are the neces-

sary and natural consequences of the execution of the laws enacted by it. It seems to us that this law leaves to the superintendent only the barren office of issuing a commission to a person whom others have selected for his adoption, whereas the Constitution provides that he shall be the exclusive actor in determining the wisdom and propriety of the proposed appointment. (*Menges v. City of Albany*, 56 N. Y., 374.)

It can not be reasonably contended that the superintendent has, under this system, any such freedom of action and choice as is implied in the power to appoint his subordinates and perform the duties charged upon him by the Constitution. Such power embraces in its exercise not only perfect liberty of choice as to the persons to be appointed, but the duty of personally investigating the character and qualifications of the proposed appointee, and determining his fitness to discharge the services required of him. This was a duty which the Constitution required him personally to perform, and which he could not lawfully delegate to any other. . (*Menges v. City of Albany*, *supra*.)

Any legislation which relieves him from the obligation to exercise his judgment and skill in the service of the people deprives them of the contemplated benefits arising therefrom, and effects a radical change in the scheme inaugurated by the constitutional provisions. The great impropriety of such a construction is made apparent by the consequences which would follow from taking away the selection and appointment of his subordinates, and at the same time holding him criminally and pecuniarily responsible for the effects of their misconduct and inefficiency in the performance of their duties.

How far the Legislature may circumscribe by general laws the eligibility of the citizen to fill offices in the Civil Service of the State, by declaring disqualifications therefor, arising out of special circumstances or inconsistent employments, it is unnecessary and would now be unprofitable to consider; but we think it entirely clear that it has no power to impose restrictions directly upon one who possesses constitutional authority, which practically destroys or impairs the exercise of such authority. The vice of this legislation is that it is directed at the appointing power alone, and enjoins it, in imperative terms, to refrain from the exercise of that power, except under conditions and restrictions imposed by the legislative will alone.

It is further contended by the relator that section 6 of article 5 of the Constitution gives some support to the legislation under consideration. That section provides, in general terms, that "the powers and duties of the several boards and of the several officers in this

article mentioned, shall be such as now are or may be hereafter prescribed by law." This section was contained in original article 5 of the Constitution of 1846, and applied to a large number of State officers and boards, besides those of Canal Commissioners, which were abrogated by the amendment of 1876. The section has, therefore, a wide operation, even though it be held not to apply to the officers created by the amendment.

Under well-settled rules of construction we think that there is the most conclusive reason to be drawn from the language of the amendment itself for holding that it was not intended that the section quoted should apply to the Superintendent of Public Works. While in the act of framing this amendment, the question was presented to its authors how far the powers therein attempted to be conferred should be limited by the supervision of the Legislature; and, with reference to that subject, they twice expressed themselves in clear and explicit terms. Thus the superintendent was authorized to prescribe the duties of the assistant superintendents, subject to modification by the Legislature, and also to make rules and regulations for the use and management of the canals, subject to the same regulations. These provisions were entirely unnecessary if it were supposed that the offices provided for by the amendment were subject to the operation of section 6 of article 5.

Under established rules of construction these express provisions for the supervision by the Legislature over the cases referred to afford the strongest implication that, in other respects, it was not intended to leave the powers conferred by the amendment to such control or supervision. "*Expressio unius personæ vel rei est exclusio alterius.*"

We, however, yield our fullest sanction to the doctrine that an amended Constitution "must be read as a whole and as if every part had been adopted at the same time and as one law, and effect must be given to every part of it, each clause explained and qualified by every other part." (Gilbert Elevated Railroad Company v. Anderson, 3 Abb. N. C., 452.)

But when this is done, the question remains whether the framers of the amendment intended that general provisions contained in the original instrument should be applicable to the subject of such amendment. It would be quite absurd to suppose that, while framing an elaborate scheme of public policy to be incorporated in the fundamental law of the State, they intended to subject it to the operation of general provisions of the same instrument which might, when

applied thereto, annul the express grants of power therein contained, and authorize each successive Legislature to overthrow and destroy the whole object and effect of the amendment adopted. To hold that this was the intention of the authors of the amendment would require us not only to stultify them, but would stamp their work as an idle ceremony of no practical importance. It is a primary rule of construction that statutes must be so interpreted as to give effect to every part thereof and leave each part some office to perform; and any construction which deprives any part of a statute of effect and meaning, when it is susceptible of another interpretation, is wholly without support from any authority.

It is also a familiar rule of construction that if there be any repugnancy between an amended statute or law and the original, which can not be so construed as to leave them both to stand, and each have a legitimate office to perform, the original enactment must be deemed to have been repealed by the later expression of the legislative will. (Gilbert Elevated Railroad Company v. Anderson, 3 Abb. N. C., 434, 453; Harrington v. Trustees of Rochester, 10 Wend., 547.)

These rules apply as well to the interpretation of constitutions as of statutes. In *People ex rel. Jackson v. Potter* (*supra*), it was said that "when provisions are made for contingencies apprehended, or for occasional and temporary needs, they can not be so interpreted as to clash with the general design, but should be in harmonious subservience thereto, and if their terms conflict with those provisions which are made part of the essential framework of the general plan, and are of usual, continuous and imperious operation, the former must yield and adapt themselves to the latter."

We are, therefore, of the opinion that section 6 of article 5 does not apply to the Superintendent of Public Works, so far as the Constitution confers power upon him to perform the duties of that office, and that his subordinates do not come under the operation of the act creating the Civil Service Commission.

It follows that the order of the court below should be affirmed.

All concur. Order affirmed.

SUPERIOR COURT OF BUFFALO.

Special Term (January 5, 1889).

IN RE GAFFNEY.

Office and Officer — Appointment of Subordinates — Civil Service Laws.

The charter of the city of Buffalo, title 2, section 16, provides for the giving of official bonds by certain specified elective city officers, and that "all other officers and persons appointed by virtue of this act may by ordinance be required to give a like bond or undertaking." Under title 2, section 59, "the officer and his sureties shall be liable on his official bond for the conduct of the deputy and clerks appointed by him." *Held*, that section 16 does not authorize the requirement of a bond from the assessor, who is not included among the elective officers specified, and whose duties are of a judicial character, and, therefore, a clerk appointed by him does not come under the exception in the Civil Service Law (Laws N. Y., 1883, chapter 354, section 8), as the subordinate of an officer, "for whose errors or violations of duty such officer is financially responsible."

Application of William F. Gaffney for a writ of mandamus against Philip Becker as mayor of Buffalo.

William F. Sheehan, for petitioner.

Almy & Keep (Ansley Wilcox, of counsel), for defendant.

TITUS, J.—The petitioner, William F. Gaffney, a clerk in the assessor's office, applies for a peremptory writ of mandamus compelling Philip Becker, as mayor of the city of Buffalo, to sign and approve two warrants drawn in favor of Gaffney for his salary as such clerk for the months of August and September, 1888. The petitioner was appointed a clerk in the assessors' office without first having passed an examination by the Civil Service Commissioners. No money can be drawn from the city treasury for any purpose except upon a warrant authorized by the common council, and signed by the mayor and city clerk, and countersigned by the comptroller. The warrants in favor of Gaffney were directed to be drawn by the common council, and in accordance therewith were prepared and signed by the city clerk, and by him presented to the mayor for his signature. The mayor refused to sign the warrants upon the ground that Gaffney was appointed a clerk without first having passed a Civil Service examination, and without being certified by the Civil Service Commissioners, in violation of chapter 354 of the Laws of 1883, as amended by chapter 410 of the Laws of 1884. In the rules prescribed by the mayor for the admission of persons into the civil service of

the city of Buffalo, the clerks in the assessors' office are classed in schedule B, and are required to pass a competitive examination before they can be legally appointed. Section 8 of the act above referred to provides that no "officer or clerk shall be appointed * * * until he has passed an examination, or is shown to be exempted from such examination. * * * Officers elected by the people, and the subordinates of any such officer, for whose errors or violation of duty such officer is financially responsible, and the head or heads of any department of the city government, and persons employed in, or who seek to enter, the public service under the educational departments of any city, and any subordinate officer who by virtue of his office has personal custody of public moneys or public securities, for the safe-keeping of which the head of an office is under official bonds, shall not be subject to the regulations prescribed pursuant to this section." It is claimed by the petitioner that the clerks in the assessors' office fall within the provision of the above section: Officers elected by the people, and the subordinates of any such officer, for whose errors or violation of duty such officer is financially responsible,"—and hence it is claimed the only qualification required is his appointment and performance of duties as such clerk. It is not claimed that the assessors would be financially responsible for the errors of their clerks unless the fact of the common council having passed an ordinance requiring the assessors to give bonds has made them so. Section 16, title 2, of the city charter provides that the comptroller, attorney, treasurer, engineer, street commissioner, superintendent of education, police justice, justice of the peace, and overseer of the poor, shall execute and file with the city clerk a bond or undertaking to the city, with sureties in such sum as shall be fixed by ordinance, conditioned for the faithful performance of the duties of their respective offices, and for the accounting for and payment to the treasurer of all moneys belonging to the city received by them * * * All other officers and persons appointed by virtue of this act may by ordinance be required to give a like bond or undertaking."

The counsel for the petitioner urges that the last portion of the section above quoted, "all other officers and persons appointed by authority of this act may by ordinance be required to give a like bond or undertaking," authorizes the common council to pass an ordinance requiring the assessors to give a bond, which would bring them within section 59, of title 2, which provides that "the officer and his sureties shall be liable on his official bond for the conduct of the deputy and clerks appointed by him;" consequently such clerks in

the assessors' office would come under the exception contained in section 8 of the act of 1883, first above quoted. I can not agree with the learned counsel in his view of the law of this case. By section 16 of the charter those officers who are elected by the people, and required to give bonds for the faithful performance of their duties, are particularly specified, and not left in doubt. The assessors are not left out by mistake. Their duties are principally of a judicial character. They handle no money, and have no control of any of the city property, except the books and papers in their office. They have no deputy; they can delegate no authority. They have no executive duty to perform, and no possible reason can be urged why they should be required to give a bond, and I am satisfied the Legislature did not intend to require a bond to be given by them. It is true the same section authorizes the common council by ordinance to require "all other officers and persons appointed by authority of this act to give a bond," but the fact that the Legislature, while requiring certain specified officers to give bonds, did not include the assessors, is strong ground for belief that they were not intended to be included among the officers required to give bonds. The charter itself does not speak of elected officers, but officers and persons appointed, and I do not think the court should attempt, in view of this explicit language, to put a construction upon it which would tend to nullify, to an extent at least, a wholesome act of the Legislature. The Civil Service law was enacted for the benefit of the people, that our Civil Service might be both efficient and honest, that capable men might fill subordinate positions, and the right to hold such positions would not alone depend upon the efficient political service of the applicant, irrespective of his training and qualifications. This law should be fearlessly and honestly enforced so long as it remains on our statute-books, and public officials falling within its provisions should cheerfully obey it. The duties of the clerks in the assessor's office are purely clerical; their acts have no public character or significance. They are not required by the charter to take an oath of office. Any qualified person can perform the duties of clerk out of, as well as in the office, and the assessors are not liable for their acts except as they ratify and make them their own. I am therefore constrained to hold that the charter does not require the assessors to give bonds; nor does it authorize the common council to require them to give bonds, so as to bring them within the provisions of the act exempting the clerks of that office from the rules of the Civil Service. It is a hardship to the persons employed not to be able to enforce payment of their salaries and I sincerely sympathize with them. It would much better accord

with my own feelings if I could so dispose of the case as to allow the motion to prevail, to the end that the petitioner and those situated as he is, could get the salary due them, but my duty is simply to declare what the law is, as I understand it. If these parties should pass a Civil Service examination, the city authorities, it seems to me, might properly pay for such services, inasmuch as the question is new under the law, and the officers making the appointment, were, undoubtedly, honestly misled as to their duty. The motion for a mandamus is denied, without costs.

SUPREME COURT.

Special Term, Erie County (December 15, 1888).

ROGERS v. CITY OF BUFFALO et al.

1. *Office and Officer—Appointment—Civil Service Laws—Street Inspectors*
2. *Same—Subordinate Officers—City of Buffalo.* 3. *Same—Intention of Legislature.* 4. *Same—Constitutional Law.*

An inspector of streets of the city of Buffalo, appointed on the nomination of the street commissioners, and named in the charter as a city officer, is not a laborer or workman, within the meaning of the Civil Service Laws. Rule 2 of the Civil Service Rules and Regulations of the city of Buffalo provides that the subordinates of an officer elected by the people, and for whose errors or violation of duty such officer is financially responsible, shall not be subject to the regulations. The appointment of inspectors of health and streets is made compulsory upon the street commissioner, but he has no power therein, except with the consent of the council. The inspectors are named in the charter as city officers. *Held*, that they are not agents or employes of the street commissioner, hence he is not liable for their neglect or misconduct, and they do not come under the exception in Rule 2. The fact that the council is vested with power to reject an applicant nominated for the office of street inspector, and that, if it saw fit, it might even reject an indefinite number of duly qualified applicants, does not indicate that the Legislature did not intend the Civil Service Rules to apply to such officers. Compelling an applicant to comply with the Civil Service Rules is not requiring an additional test, within the meaning of (Const. N. Y., art. 12, § 1), providing a form of oath to be taken by judicial and executive officers, and declaring that "no other oath, declaration, or test shall be required as a qualification for any office of public trust."

Action by Sherman S. Rogers, to prevent the city of Buffalo from paying any part of the salary claimed by defendant Ceriac Diebolt as street and health inspector. For former report, see 2 N. Y. Supp. 326. For affirmance on appeal, see post, 674.

Almy & Keep and Ansley Wilcox, for plaintiff.

Wm. F. Sheehan, for defendant Diebolt.

LEWIS, J.—This action is brought under section 1925 of the Code of Civil Procedure, against the city of Buffalo and the other officers thereof, who have to do with the paying of the salaries of persons in the service of the city, to obtain a judgment restraining the payment of the salary of Ceriac Diebolt, as health and street inspector of the city, upon the claim that the appointment of Diebolt as health and street inspector was illegal, because in violation of the Civil Service Laws and Regulations of the State. Pursuant to the provisions of the statutes of the State known as the "Civil Service Acts," the mayor of Buffalo, prior to the times hereafter mentioned, prescribed and published rules and regulations for the admission of persons into the civil service of the city. These rules applied to all persons in the public service of the city, except such officers as were elected by the people, the subordinates of such officers, for whose errors or violation of duty such officer is financially responsible, except laborers or day-workmen, and others not necessary to mention for the purposes of the case. The defendant Quinn, on the 2d day of January, 1888, entered into the office of street commissioner of the city of Buffalo, having been duly elected thereto; and, by the provisions of the city charter, it was made his duty as such commissioner to appoint such inspectors of health and streets as the common council should authorize. Such appointments were to be made by and with the advice and consent of the common council. Soon after assuming his office, he did appoint thirteen persons, including the defendant Diebolt, to fill vacancies then existing in such offices. These appointments were made without the Civil Service Rules and Regulations having been complied with. The common council confirmed the appointments. Difficulties having arisen in these officers obtaining pay for their services, because the legality of their appointments was questioned, they resigned their offices, and thereafter some efforts appear to have been made by the commissioner to comply with the Civil Service Laws and Regulations in making appointments to fill these offices permanently, the particulars of which it is not necessary to mention here; but not meeting with much encouragement from the common council, he did, on the 4th day of September, 1888, make permanent appointments to the positions of street and health inspectors of nine persons in the place and stead of the defendant Diebolt and eight other persons who were then holding such offices as temporary appointees, and as such permanent appointees he named the

defendant Diebolt and eight other persons. The persons so designated, and particularly the defendant Diebolt, had not passed any civil service examination, or in any manner complied with the State Civil Service Rules, and had not been certified to said street commissioner in any manner as having complied with said rules, and as persons who were eligible for such appointments. The common council, on said fourth day of September, confirmed the appointments of Diebolt and eight other persons as permanent appointments to such positions of street and health inspectors of the city, and thereupon this action was begun by the plaintiff, who is a resident, citizen, and taxpayer, under section 1925, which provides for an action to obtain a judgment preventing waste of, or injury to, the estate, funds, or property of a city by a citizen therein, who is assessed for and is liable to pay a tax therein.

The defendant Diebolt defends the action, and claims that his office is not subject to the Civil Service Laws of the State, and can not be classified under the Civil Service Regulations, for the reasons: *First*, that he is a subordinate of the street commissioner, who is an officer elected by the people, and financially responsible for the acts of defendant Diebolt as inspector; *second*, that the duties of the office of health and street inspector are those of a laborer or workman, simply; *third*, that the common council being vested with the power to confirm or reject appointments, therefore the Civil Service Laws have no application to officers subject to their confirmation or rejection; *fourth*, that if a health and street inspector is not a laborer or workman, but an officer of the city, then he is not exempt from taking the constitutional oath of office, and, as the Constitution provides the form of oath to be taken, and further provides that no other oath, declaration, or test shall be required as a qualification for any office of public trust, the Civil Service Rules and Regulations can not be held to apply to that office. I am, in disposing of this case, required to decide whether the office of health and street inspector of the city of Buffalo comes within the Civil Service Rules and Regulations promulgated by the mayor. It is provided by Rule No. 2 of the Civil Service Rules and Regulations that the subordinates of an officer elected by the people, and for whose errors or violation of duty such officer is financially responsible, shall not be subject to the regulations in question. The health and street inspectors are probably subordinates of the commissioner, but is he financially responsible for their acts? The street commissioner is an officer of the city, elected by the people, removable by the mayor. He and the inspectors are alike paid for their services by the city. The appointment of

these inspectors is made compulsory upon the commissioner. While he nominates them, he has no power, without the consent of the council, to appoint them. They hold their office during the pleasure of the power appointing them. The city is responsible, as their principal, for their official acts. They are agents of the city, and are responsible to the city for the due discharge of their duties; and, while the commissioner is at the head of the department of which they are officers, and they are subordinate to him, still they are officers of the city, and are included within title 2 of the charter, which is devoted to the officers of the city, and to no other subject-matter. It can not be said that they are in any sense agents or employés of the commissioner; and, not being his agents or employés, it must be held, upon principle and authority, that the commissioner is not financially responsible for their neglect or misconduct. (See *Walsh v. Trustees*, 96 N. Y., 436). It was so held by Justice Daniels (2 N. Y. Supp. 326,) in disposing of a motion made in this case to continue a temporary injunction, and it was further held by Justice Daniels that the commissioner was not liable for the actions of the inspectors because of anything contained in the bond the charter requires the commissioner to give.

Are the duties of the office of health and street inspector those of a laborer or workman in the sense those words are used in the Civil Service Laws? In some sense, every one following an occupation or calling is a laborer or workman, but these words are used in this statute to distinguish between persons who work with their hands, performing manual labor simply, without having supervision over, or responsibility for, others' acts,—persons who have their tasks assigned to them by another,—and those engaged in occupations not requiring manual labor, but simply the use of their minds and judgments, the management of others, or the direction of affairs. The official name of Diebolt's office, "Inspector of Health and Streets," indicates that he is not a laborer or workman in the popular sense in which these words are used. His duty is to inspect the streets and other parts of the city for sanitary purposes, and to see that the streets, alleys, etc., are in a safe and proper condition for the use of the public. Their duties are of a higher order than the common laborer, calling for a greater degree of discretion and intelligence. It is suggested by defendant's counsel that there is nothing in the charter specifically defining their duties; nothing to prevent the street commissioner from assigning them to work with the shovel or the hoe, cleaning the streets. I think the reasons already suggested preclude their being assigned to such menial service.

It is further claimed that the Civil Service Rules do not apply to this office, because the charter provides that the council may reject an applicant nominated for the office; and defendant suggests that, possessing that power, the council may continue to reject the nominations of those certified by the Civil Service Commissioners as being qualified for the office, and thereby they may prevent the filling of the places, and that therefore it could not have been the intention of the Legislature that the Civil Service Rules and Regulations should apply to that office. It is scarcely a supposable case that the council would conduct themselves thus arbitrarily and unreasonably; but the same embarrassments might exist if the Civil Service Rules had not been adopted, for the common council has the power, under the charter, to refuse to confirm any nominations that might be sent to it by the street commissioner.

The fourth defense is that article 12 of the Constitution of the State provides that "all officers, executive and judicial, except such inferior officers as shall be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: 'I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability;'" and further provides that "no other oath, declaration, or test shall be required as a qualification for any office of public trust." Defendant claims that Diebolt was not exempted by law from taking this oath; that he did in fact take the oath, and therefore compelling him to comply with the Civil Service Rules and Regulations was requiring a test prohibited by the Constitution. It is quite apparent that it would not be proper, in construing this provision of the Constitution, to give to the word "test" its broad and popular meaning; for such a construction would lead to great absurdities. There is nothing in the constitutional oath as to the age, residence, citizenship, or sex of the affiant. But article 4 of the Constitution requires that, to be eligible to the office of Governor or Lieutenant-Governor, a person must be a citizen of the United States, not less than thirty years of age, and shall have been for five years next preceding his election a resident of this State. The State Engineer and Surveyor must be a practical engineer. These are certainly tests for office outside and beyond the requirements of the constitutional oath. It could not have been the intention of the framers of the Constitution that this word should have the broad signification contended for by defendant's counsel. "The intent of the law-maker is to be sought for, and when discovered, is to prevail

over the literal meaning of the words of any part of the law." (People v. Potter, 47 N. Y., 375; People v. Angle, 109 N. Y., 568, 17 N. E. Rep., 413.) This word "test," as used in this section of the Constitution, should be given the more restricted or narrower meaning. Its use in the section was evidently intended to prevent the subjection of an official to any ordeal to ascertain his political, religious or social views. It was probably incorporated into the Constitution because of the obnoxious test oaths to which the civil and military officials were subjected under the English laws; its being used in connection with the words "oath or declaration" is evidence that it was intended to have a restricted meaning. My conclusion is that Mr. Diebolt was not legally appointed to the office of health and street inspector, and hence not entitled to pay for his services as such. The plaintiff is entitled to judgment against the defendants, enjoining and restraining the defendants, or either of them, from drawing or authorizing any warrant to be drawn to pay the salary of the defendant Diebolt as street and health inspector of the city, or to pay any compensation to him for services alleged to be rendered in such office, or from paying his salary as such inspector, or from creating any liability on the part of the city to said Diebolt for such services.

SUPREME COURT.

General Term, Fifth Department (January 11, 1889).

ROGERS v. CITY OF BUFFALO *et al.*

Appeal from Special Term, Erie county.

This is an appeal in the case of Rogers v. City of Buffalo, ante.

Argued before Barker, P. J., and Haight, Bradley and Dwight, JJ.

Wm. F. Sheehan, for appellant.

Frederick Almy, for respondent.

Per Curiam.—Judgment affirmed without costs to either party. All concur, except Haight, J., not voting.

SUPREME COURT.

Special Term, Erie County (July 31, 1888).

IN RE. WORTMAN.

1. *Office and Officer — Appointment — Civil Service Laws — Honorably Discharged Soldier.* 2. *Same — Constitutional Law.* 3. *Same — Rights and Immunities.* 4. *Same — Mandamus — Petition.*

Under Buffalo city charter, title 2, section 50, authorizing the street commissioner to appoint street inspectors and naming them as city officers, a street inspector is within the New York Civil Service Laws declaring that preference shall be given to honorably discharged soldiers of the civil war who are not incapacitated.

Laws New York, 1884, chapter 410, section 4, providing that honorably discharged soldiers of the civil war shall be preferred for appointment in the Civil Service of the State and of the cities, is not violative of Constitution of New York, article 12, section 1, declaring that no other oath, declaration or test shall be required as a qualification for office than that contained in this Constitution. Nor does it violate Constitution United States, amendment 14, section 1, prohibiting a State to pass any law abridging the privileges or immunities of citizens, or to deprive anyone of life, liberty, or property without due process of law.

A petition for mandamus to the city council to appoint to office an honorably discharged soldier of the civil war, under the Civil Service Law, is fatally defective in not averring that the council knew that he was an honorably discharged soldier.

Application by Samuel W. Wortman for a mandamus to the common council of the city of Buffalo to appoint the applicant to the office of street inspector.

Leroy Andrus and A. C. Calkins, for applicant.

Wm. F. Sheehan and W. T. Worthington, for respondents.

DANIELS, J.—The applicant shows by his petition that the street commissioner of the city of Buffalo was empowered by the common council of the city to select thirteen health and street inspectors of the city of Buffalo; that under the civil service rules adopted and in force in the city of Buffalo, the relator was certified to the street commissioner for one of such appointments, and his selection for that office was reported by the commissioner to the common council of the city. By section 50 of title 2 of the existing charter of the city, the street commissioner was empowered, by and with the advice and consent of the common council, to appoint the applicant with a sufficient number of others to supply the offices as street and health inspectors

of the city. The common council, however, in the action which they took upon the selections by the street commissioner on the 7th day of May, 1888, declined to consent to the appointment of the applicant, and it "is to oblige the common council to give such consent that this application for the writ of mandamus has been made." And it proceeds upon the statement that the applicant is "an honorably discharged Union soldier of the war of the rebellion, having suffered no physical impairment incapacitating him from the full performance of his duty as such street and health inspector, and having the business capacity necessary to discharge the duties of that position, and was so certified by said Civil Service Commission to said street commissioner." It is further stated in the petition "that subsequent to such appointment, and on or about the 7th day of May, 1888, the said Henry Quinn, street commissioner, communicated and transmitted to the common council of the city of Buffalo his appointment of your petitioner as health and street inspector."

The application in behalf of the petitioner has been made under the authority of chapter 464 of the Laws of 1887, which has provided that "in every public department and upon all public works of the State of New York, and of the cities, towns and villages thereof, and also in non-competitive examinations under the Civil Service Laws, rules, or regulations of the same, wherever they apply, honorably discharged Union soldiers and sailors shall be preferred for appointment and employment. Age, loss of limb or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved." This act is an amendment of chapter 312 of the Laws of 1884, which, when that was enacted, applied only to the public works of the State, but by section 4, chapter 410, Laws 1884, it was provided that persons who had been honorably discharged from service in the army or navy of the United States in the late war should be preferred for appointment to positions in the Civil Service of the State and of the cities over other persons of equal standing. And this was further amended by chapter 29 of the Laws of 1886, making the enactment more clear and distinct in securing the preference of this class of persons to appointments, and they have been framed with such a degree of clearness, as they are now enacted, as to render them capable of being carried into effect according to the fair understanding of the language employed in their enactment. But by way of answer to the application for the writ, it has been insisted that the inspectors are not officers of the city, and therefore not entitled to this preference under the laws. But this objection is

answered, not only by the duties and functions the inspectors may be expected to perform and exercise, but also by title 2 of the chapter containing the provision authorizing their selection and appointment, which includes them among and as officers of the city. It has been further urged that these acts do not apply to the office of inspector, for the reason that the bond of the commissioner himself will render him liable for their delinquencies or non-performance of duties. But that appears to be a mistake, for, as the bond has been defined by section 16 of title 12 of the charter, it includes no liability whatever for the acts of these inspectors.

A further objection has been raised that the laws themselves securing this preference have been enacted in violation of section 1, article 12, of the Constitution of the State, declaring that no other oath, declaration, or test shall be required as a qualification for any office or public trust than that contained in this section of the Constitution. But those acts quite manifestly are not within this prohibitory clause ; for no oath, declaration, or test whatever has been required by them from the persons to whom this preference has been secured by the statutes. The only words of the prohibitory clause supposed to applicable to the case are those forbidding any other test as a qualification for office or public trust. But these statutes clearly require no test whatever from the applicant, and the case therefore can not be brought within the meaning of this word. What it was intended to mean, as it has been employed in the Constitution, is to be ascertained from the preceding history of the English people. The government of that people did exact tests from persons appointed or selected for official position beyond the oath required for the faithful observance of their duties, and those tests were of the nature to bring the appointee within the established church of the realm. And every person incapable of subscribing to such tests was disqualified from holding the office which he would otherwise be entitled to hold. These tests were more specially prescribed by an act passed in the reign of Charles II., directing all officers, civil and military, to take the oaths and make the declarations against transubstantiation in any of the king's courts in Westminster, or at the quarter sessions, within six calendar months after their admission, and also within the same time to receive the sacrament of the Lord's supper according to the usage of the Church of England, in some public church, immediately after divine service and sermon, and to deliver into court a certificate thereof, signed by the minister and church-warden, and also to prove the same by two credible witnesses, upon a forfeiture of £500 and disability to hold such office. (2 Shars. Bl. Comm., 58.) A similar

prohibition was also inserted in the Constitution of the United States that declared that "no religious test shall ever be required as a qualification to any office or public trust under the United States." And the design of that has in like manner been considered to go no further than to prevent and prohibit the tests prescribed by the statutes of the kingdom of Great Britain, and all other tests which the ingenuity of fanaticism might invent. (2 Story, Const., §§ 1847-1849.) It is quite clear, therefore, that this prohibition contained in the Constitution of the State in no way interfered with the power of the Legislature to enact these statutes. Neither does it deprive the legislative department of the power of prescribing such qualifications for public offices as will secure the intelligent and competent discharge of their duties.

It has been further objected by the counsel for the city that the laws are in conflict with section 1 of amendment 14, Constitution of the United States, prohibiting the State from making or enforcing "any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." The only part of this section which by any possibility could be relied upon by way of argument to defeat the application is that contained in the last branch of the sentence. But neither of these statutes has denied to any person within the jurisdiction of the State the equal protection of its laws. No citizen is deprived of any right or privilege constitutionally secured to him by reason of those laws. A preference only for official employment has been given to honorably discharged soldiers and sailors as a reward for meritorious service performed by them during the war, by which the Union was sustained and the rebellion suppressed. So far as the laws extend, there seems to be no constitutional objection against their validity; and no officer or appointing power, as these words have been employed in the statutes of 1886, has authority to deny this preference to the class of persons who are brought within the provisions of these statutes. And where the proceeding may be such as arbitrarily to deny the privilege secured by these statutes a mandamus would be the appropriate remedy to enforce the performance of the duty. (People v. Leonard, 74 N. Y., 443.) And authority for its allowance has been secured by sections 2068 and 2070 of the Code of Civil Procedure.

But a radical defect appears in the petition, preventing the success of the applicant's motion, for it has nowhere been stated that the fact that he was an honorably discharged Union soldier of the war of the

rebellion had been brought to the attention of the common council before it took its action upon the selections or appointments of the street inspectors. It has been stated in the petition that this fact was brought to the knowledge of the commissioner himself, and it rightly, on that account, influenced his action. But the petition does not show that knowledge of this fact was communicated to the common council. All that is stated upon this subject is that the commissioner communicated and transmitted to that body his appointment of the petitioner as health and street inspector. This was very far from apprising that body of the fact that he had been selected and appointed, or was entitled to be, under the laws securing to him this preference as a discharged Union soldier. Without notice of that fact the common council was authorized and empowered to proceed with the consideration of the case precisely the same as though the fact itself did not exist, and to reject this selection and appointment under the authority of the charter, rendering it dependent upon the advice and consent of the common council. On this account the application of the petitioner must fail, and the motion for the writ of mandamus will be denied.

SUPREME COURT.

Erie County.—(July 31, 1888).

SHERMAN S. ROGERS v. THE COMMON COUNCIL OF THE CITY OF BUFFALO, CERIAC DIEBOLD AND OTHERS.

In an action brought under the authority of chapter 673 of the Laws of 1887, allowing taxpayers to prosecute actions to prevent the misappropriation or misuse of public funds or public property, to obtain a judgment restraining the payment of the salary of one Diebold, an inspector of streets and health in the city of Buffalo, upon the ground that the appointment of D as such inspector was illegal, D. not having passed a civil service examination;

Held, That an inspector of health and streets appointed by the street commissioner of the city of Buffalo, and confirmed by the common council, was a city officer under the municipal charter, and that as such he was subject to the requirements of the Civil Service Law.

Held, That the appointment, temporary or permanent, of D. to the position of inspector of health and streets without passing a civil service examination, was illegal, and that he was not entitled to pay for services rendered as such inspector.

Held, That an inspector of health and streets is not a workman or laborer within the meaning of the Civil Service Laws.

Held, That such inspectors, though appointed by the street commissioner are, in no sense, his agents or employes, and that he is not financially responsible for their neglect or misconduct.

Held, That the requirements of the Civil Service Law are not a "test" within the meaning of section 1, of Article XII, of the Constitution, prescribing the form of the oath of office and prohibiting any other oath, declaration or test.

DANIELS, J.—The motion in this case is to continue an injunction until the final hearing and decision. This injunction restrains the defendant from paying the defendant Diebold, as street and health inspector of the city, for services alleged to have been rendered by him as temporary appointee of the street commissioner. It was issued under allegations, sustained by affidavit, that he has been appointed by the street commissioner to act as health and street inspector, in violation of the laws and regulations relating to the Civil Service of the city and upon allegation of that matter of fact the action was brought under the authority of chapter 673 of the Laws of 1887, allowing taxpayers to prosecute actions in their names to prevent the misappropriation or misuse of public funds or public property.

"The application for the injunction has been resisted in part upon the affirmation that the inspector was not an officer of the city, but was either a laborer, workman or subordinate of an officer for whose errors the superior officer was financially responsible and accordingly was relieved from the observance of the laws relating to the Civil Service. But it is quite apparent from the bond or undertaking the street commissioner is obliged to enter into, that he will not be financially responsible under it for any fault or failure of the inspector. What section 16 of title 2 of the charter of the city of Buffalo has required, is that the street commissioner shall execute and file with the city clerk a bond or undertaking to the city, with sureties in such sum as shall be fixed by the ordinance conditioned for the faithful performance of the duties of his office, and for the accounting for and payment to the treasurer of all moneys belonging to the city received by him.

"The inspector, as a subordinate, does not appear to be authorized to receive any moneys whatever belonging to the city, intended to pass into the hands of the commissioner. Neither does the bond, by the language of the statute, include the duties required to be performed or the authority to be exercised by the inspector. They have not been defined by the charter of the city and not minutely by the ordinances, but in neither, nor in the duties ordinarily expected from persons employed in this manner, has it been made to appear that the

bond of the street commissioner can by any possibility be made liable for the acts or conduct of the inspector in the course of the discharge of his duties.

"That the inspector is not a laborer or workman, within the designations contained in section 7 of chapter 354 of the Laws of 1883, seems to be reasonably clear. And this title of the charter of the city fully sustains this construction, for while, by section 50 of title 2 of the charter, the street commissioner has been empowered to appoint inspectors of health and streets, that title has also included them among the officers of the city. The title is devoted to the officers of the city of Buffalo and no other subject, and by providing for and including health and street inspectors within the title, it was clearly the judgment of the Legislature that they would be officers of the city of Buffalo. And as such, under section 8, chapter 354 of the Laws of 1883 and 410 of the Laws of 1884, they are within the rules and regulations of the civil service of the city, as they have been prescribed and promulgated under the authority of these laws. And it consequently follows that as Diebold was not entitled under this authority to be appointed or retained in the service of the street commissioner as a temporary appointee, that this appointment was illegal, that the authorities of the city have no power or right to appropriate these moneys to the payment of services rendered in pursuance of that illegal appointment.

"The injunction accordingly must be continued during the pendency of the action and the costs of the action allowed to abide the event of the trial."

LEWIS, J.—Pursuant to the provisions of the statutes of the State known as the Civil Service Acts, the mayor of Buffalo prior to the times hereafter mentioned prescribed and published rules and regulations for the admission of persons into the civil service of the city. These rules applied to all persons in the public service of the city except such officers as were elected by the people, the subordinates of such officers for whose errors or violation of duty such officer is financially responsible except laborers or day workmen, and others which it is not necessary to mention for the purposes of this case. The defendant Quinn, on the 2d day January, 1888, entered into the office of street commissioner of the city of Buffalo, having been duly elected thereto, and by the provisions of the city charter it was made his duty as such commissioner to appoint such inspectors of health and streets as the common council should authorize. Such appointments were to be made by and with the advice and consent of the common council. Soon after assuming his office he did appoint

thirteen persons including the defendant, Diebold, to fill vacancies then existing in such offices. These appointments were made without the Civil Service rules and regulations having been complied with. The common council confirmed the appointments. Difficulties having arisen in these officers obtaining pay for their services because the legality of their appointments was questioned they resigned their offices and thereafter some efforts appear to have been made by the commissioner to comply with the Civil Service laws and regulations in making appointments to fill these offices permanently, the particulars of which it is not necessary to mention here. But not meeting with much encouragement from the common council he did, on the 4th day of September, 1883, make permanent appointments to the positions of street and health inspectors of nine persons in the place and stead of the defendant, Diebold and eight other persons who were then holding or assuming to hold such offices as temporary appointees, and as such permanent appointees he named the defendant Diebold and eight other persons. The persons so designated, and particularly the defendant Diebold had not passed any Civil Service examination or in any manner complied with the State Civil Service rules and had not been certified to said street commissioner in any manner as having complied with said rules, and as persons who were eligible for such appointments. The common council on said fourth day of September, confirmed the appointments of Diebold and eight other persons as permanent appointments to such positions of street and health inspectors of the city and thereupon this action was commenced by the plaintiff, who is a resident, citizen and taxpayer, under section 1925, which provides for an action to obtain a judgment preventing waste of or injury to the estate, funds or property of a * * * city by a citizen therein who is assessed for and is liable to pay a tax therein.

The defendant Diebold defends the action and claims that his office is not subject to the Civil Service Laws of the State and can not be classified under the Civil Service regulations for the reasons:

First. That he is a subordinate of the street commissioner who is an officer elected by the people and financially responsible for the acts of the defendant Diebold as inspector.

Second. That the duties of the office of health and street inspector are those of a laborer or workman simply.

Third. That the common council being vested with the power to confirm or reject appointments that, therefore, the Civil Service Laws have no application to officers subject to their confirmation or rejection.

Fourth. That if a health and street inspector is not a laborer or workman but an officer of the city, then he is not exempt from taking the constitutional oath of office, and as the Constitution provides the form of oath to be taken, and further provides that no other oath, declaration or test shall be required as a qualification for any office of public trust the Civil Service rules and regulations can not be held to apply to that office.

I am, in disposing of this case, required to decide whether the office of health and street inspector of the city of Buffalo comes within the Civil Service rules and regulations promulgated by the mayor.

It is provided by Rule No. 2 of the Civil Service rules and regulations that the subordinates of an officer elected by the people, and for whose errors or violations of duty such officer is financially responsible shall not be subject to the regulations in question. The health and street inspectors are probably subordinates of the commissioner, but is he financially responsible for their acts? The street commissioner is an officer of the city elected by the people, removable by the mayor. He and the inspectors are alike paid for their services by the city. The appointment of these inspectors is made compulsory upon the commissioner. While he nominates them he has no power without the consent of the council to appoint them. They hold their office during the pleasure of the power appointing them. The city is responsible as their principal for their official acts. They are agents of the city and are responsible to the city for the due discharge of their duties, and while the commissioner is at the head of the department of which they are officers, and they are subordinate to him, still they are officers of the city and they are included within title 2 of the charter, which is devoted to the officers of the city and to no other subject-matter. It can not be said that they are in any sense agents or employés of the commissioner, and not being his agent or employés it must be held upon principle and authority that the commissioner is not financially responsible for their neglect or misconduct. (See *Walsh v. Trustees of the New York and Brooklyn Bridge*, 96 N. Y., 439.)

It was so held by Justice Daniels in disposing of a motion made in this case to continue a temporary injunction, and it was further held by Justice Daniels that the commissioner was not liable for the actions of the inspectors because of anything contained in the bond the charter requires the commissioner to give.

Are the duties of the office of health and street inspector those of a laborer or workman in the sense those words are used in the Civil Service laws? In some sense every one following an occupation or

calling is a laborer or workman, but these words are used in this statute to distinguish between persons who work with their hands performing manual labor simply without having supervision over or responsibility for others acts; persons who have their tasks assigned to them by another; and those engaged in occupations not requiring manual labor, but simply the use of their minds and judgments; the management of others or the direction of affairs. The official name of Diebold's office "Inspector of Health and Streets," indicates that he is not a laborer or workman in the popular sense in which those words are used. His duty is to inspect the streets and other parts of the city for sanitary purposes, and to see that the streets, alleys, etc., are in a safe and proper condition for the use of the public. Their duties are of a higher order than the common laborer, calling for a greater degree of discretion and intelligence. It is suggested by defendant's counsel that there is nothing in the charter specifically defining their duties; nothing to prevent the street commissioner from assigning them to work with the shovel or the hoe cleaning the streets. I think the the reasons already suggested preclude their being assigned to such menial service.

It is further claimed that the Civil Service rules do not apply to this office, because the charter provides that the council may reject an applicant nominated for the office, and defendant suggests that possessing that power the council may continue to reject the nominations of those certified by the Civil Service Commissioners as being qualified for the office, and thereby they may prevent the filling of the places, and that therefore it could not have been the intention of the Legislature that the Civil Service rules and regulations should apply to that office. It is scarcely a supposable case that the common council would conduct themselves thus arbitrarily and unreasonably, but the same embarrassments might exist if the Civil Service rules had not been adopted, for the common council has the power under the charter to refuse to confirm any nominations that might be sent to them by the street commissioner.

The fourth defense is that as article 12 of the Constitution of the State provides that "all officers, executive and judicial, except such inferior officers as shall be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability," and further provides that "no other oath, declaration or test shall be

required as a qualification for any office of public trust." Defendant claims that Diebold was not exempted by law from taking this oath, that he did, in fact, take the oath and therefore compelling him to comply with the Civil Service rules and regulations was requiring a test prohibited by the Constitution. It is quite apparent that it would not be proper in construing this provision of the Constitution to give to the word "test" its broad and popular meaning. For such a construction would lead to great absurdities. There is nothing in the constitutional oath as to the age, residence, citizenship or sex of the affiant. But article 4 of the Constitution requires that to be eligible to the office of Governor or Lieutenant-Governor a person must be a citizen of the United States, not less than thirty years of age, and shall have been for five years next preceding his election a resident of this State. The State Engineer and Surveyor must be a practical engineer. These are certainly tests for office outside and beyond the requirements of the constitutional oath. It could not have been the intention of the framers of the Constitution that this word should have the broad signification contended for by defendant's counsel. "The intent of the lawmaker is to be sought for and when discovered is to prevail over the literal meaning of the words of any part of the law." (People ex rel. Jackson v. Potter, 47 N. Y., 375; People v. Angle, 109 id., 568.)

The word "test," as used in this section of the Constitution, should be given the more restricted or narrower meaning. Its use in the section was evidently intended to prevent the subjection of an official to any ordeal to ascertain his political, religious or social views. It probably was incorporated into the Constitution because of the obnoxious test oaths to which the civil and military officials were subjected under the English laws, its being used in connection with the words "oath or declaration" is evident that it was intended to have a restricted meaning.

My conclusion is that Mr. Diebold was not legally appointed to the office of health and street inspector, and hence not entitled to pay for his service as such.

The plaintiff is entitled to judgment against the defendants enjoining and restraining the defendants, or either of them, from drawing or authorizing any warrant to be drawn to pay the salary of the defendant Diebold as street and health inspector of the city or to pay any compensation to him for services alleged to be rendered in such office or from paying his salary as such inspector or from creating any liability on the part of the city to said Diebold for such services, with costs of action against the defendant, the city of Buffalo.

SUPREME COURT.

Special Term, Monroe County (filed September 7, 1888).

WILLIAM F. PECK, A TAXPAYER, ETC., Plaintiff, v. THE CITY OF ROCHESTER AND OTHERS, Defendants.

Chapter 354, as amended by chapter 410, Laws of 1884 — What a violation of.

In an action brought to restrain the city of Rochester and its officers from making a contract with one Belknap, and restraining payment to him for services rendered as an inspector of lamps, upon the ground that the appointment of B. as such inspector was illegal, B. not having passed a Civil Service examination ;

Held, That the duties of such inspector as receiver and custodian of the reports of the police with reference to lamps, were of a clerical character, and that in discharging such duties he was in the Civil Service of the city as a clerk under the classification made by the mayor pursuant to section 8 of chapter 354 of the Laws of 1883, as amended by chapter 410 of the Laws of 1884.

Held, That the employment of B was prohibited until he had passed the requisite civil service examination.

Under the provisions of section 8 of chapter 354 of the Laws of 1883, as amended in 1884, it became the duty of the mayor of the city of Rochester to cause to be arranged in classes the several clerks and persons employed, or being in the public service of the city, and the section also provided that no officer or clerk should be appointed and no person should be admitted to or be promoted in either of said classes until he had passed an examination as provided by said act. Under this direction the mayor of the city of Rochester classified the civil service of that city as follows :

"Schedule B (part first), all officers and members of the police and fire departments. Schedule B (part second), all other subordinate officers, clerks and assistants." *Held*, That a contract which the mayor was, by resolution of the common council, to make with B, requiring him to examine all street lamps, and their location, and assist the lamp committee in the designation and location of such lamps, and to keep a book of record of such lamps and electric lights during the term of such contract, together with the number of such lamps and lights, and location and time not burning, etc., and report to the committee and common council all the details connected with such lamps and lights, and to examine into any and all complaints in relation to said lamps ; the resolution also providing for the payment of B for his services as "lamp inspector," and for his giving security for his faithful performance of the aforesaid matters, makes his services or employment come within schedule B (part second) of the classification made by the mayor, and in discharging those duties he would be a clerk in the civil service of the city as a clerk, and the act in question prohibits his employment until he has passed the requisite examination.

J. H. Hopkins, for plaintiff.

H. J. Sullivan, assistant city attorney, and

George Raines, for defendants.

ANGLE, J.—The questions mainly discussed in this case arise under the Civil Service Law. (Chap. 354, Laws of 1883; amended by chap. 410, Laws of 1884.)

Civil Service examinations, as a prerequisite to entering upon the duties of office, appear to have been known to the common law of England more than 500 years ago. In the city of London, in a tower which is thought to have been one of the earliest portions of Westminster Abbey, is a room where there are six horse-shoes and sixty-one nails which, by ancient custom, the sheriffs of London were compelled to count when they were sworn in. In the time of Edward II., when this custom was established (1308, 1327), it was a proof of education, as only well instructed men could count up to sixty-one. At the same time, it was ordained that the sheriff, in proof of his strength, should cut a bundle of sticks. This custom (the abolition of which has been vainly attempted), still exists, but a bundle of matches is now provided. The original knife is always used. (Second Hare's Walks in London, 272, 273 [N. Y. ed.] 1878.) To secure the theological qualifications of the sheriffs, they were required not only to take the oaths of allegiance and supremacy as well as the statutory oath of office, but to make a declaration against transubstantiation, and to receive the sacrament within three months after entering upon office, in the presence of two witnesses and one church warden, and get certificate that they had done so, signed by the minister and one church warden, and the two witnesses must also make affidavit of the fact. (14 Petersdorff Abr., 429, note [N. Y. ed.], 1831.)

Section 8 of the act of 1883, as amended by the act of 1884, directed the mayor to prescribe such regulations for the admission of persons in the civil service of the city as might best promote the efficiency thereof, and ascertain the fitness of candidates in respect to character, knowledge and ability for the branch of service into which they sought to enter, and for this purpose he was directed to employ certain persons to conduct such inquiries and make such examination, and to prescribe their duties and establish regulations for the conduct of persons who might receive appointments in said service.

The section also enacted that the regulations so prescribed should, among other things, provide and declare as in the second subdivision of the second section of the act is provided in reference to regula-

tions for admission into the Civil Service of the State. Said second subdivision is as follows: "All the offices, places and employments so arranged or to be arranged in classes shall be filled by selections from among those graded the highest as the result of such competitive examinations."

Section 8, as amended in 1884, also made it the duty of the mayor in and by such regulations, to cause to be arranged in classes, the several clerks and persons employed or being in the public service of the city, and that he should include in one or more of such classes, so far as practicable for the purposes of the examination herein provided for, all subordinate clerks and officers in the public service of the city to whom his power under the act extended. Said section then proceeds: "No officer or clerk shall be appointed, and no person shall be admitted to or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be exempted from such examination, in conformity with such regulations."

Under this direction, the mayor of the city of Rochester prescribed certain regulations by which he classified the Civil Service of that city as follows: "Schedule B (part first), all officers and members of the police and fire departments. Schedule B (part second), all other subordinate officers, clerks and assistants. Schedule D shall include all persons employed as laborers or day workmen. This he evidently did under that provision of the law which made it his duty to arrange in classes the several clerks and persons employed or being in the public service of the city. And, with reference to such qualification, the mayor, by his regulations, further provided as follows: "Appointments shall be made or employment shall be given in the positions in Schedule B by selections from those persons graded highest as the result of open competitive examination, provided that vacancies in higher positions in this schedule may be filled by the promotion of those holding lower position in the office." There is no pretense that Belknap's case is covered by Schedule B, part first, and it need not be further noticed.

The question then rises whether his case comes under Schedule B, part second. To determine this requires an examination of the proceedings of the common council to see what service it was contemplated he should perform. The resolution of the council under which the lamp committee employed him, was first passed November 1, 1887, and was: "That not more than one person be so employed and that the person so employed by the lamp committee, shall be paid not to exceed seventy dollars per month, from November 15, 1887, to

April 1, 1888, and that said person be required to give a bond in the sum of \$500, for the faithful performance of his duty; that the police commissioners be asked to require the policemen to report each day, the number of lights unlighted on their beats, and that these facts be reported every day to the person so employed by the lamp committee." This resolution was disapproved by the mayor, under section 48 of the city charter, from which disapproval, dated November 9, 1887, as it shows the construction put upon the resolution by the mayor, I quote as follows: "A resolution adopted at your last regular meeting, would seem to empower the lamp committee to employ a person for the next five months, at the rate of seventy dollars per month, to receive daily reports from the police department of lamps not found lighted by the policemen on their various beats." I am quite sure the police department will cheerfully file such reports with the clerk of your board for your information, and, therefore, the expense would be wholly unwarranted, and the said resolution is hereby returned disapproved." The above disapproval appears to have been presented to the council at a meeting held November 15, 1887, and a vote was thereupon taken upon the question: "Shall this resolution stand notwithstanding the objections of his honor the mayor?" And "the resolution was sustained" by the votes of two-thirds of all the members of the common council then in office. The effect of this action under section 48 of the city charter was that the resolution should "have full force and effect notwithstanding the objections of the mayor." Under this resolution, the lamp committee employed Belknap, and he commenced his services November 19, 1887, and continued them until the first day of April, 1888. The commencement of the resolution "that not more than one person be so employed," etc., indicates a reference to something that had preceded it.

The next thing preceding it at the meeting of November 1, 1887, was the vote of the common council sustaining the disapproval of the mayor of a resolution of the council, passed October 14, 1887, which attempted to authorize and direct the lamp committee to open and keep a book wherein, on and after October 25, 1887, should be entered the name of each street in the city of Rochester, wherein any gas lamps or electric lights were then placed, together with the number of said lamps or lights, the number of said gas lamps not burning, the number of said electric lights not burning, and that such entries should be made in said book on each and every day thereafter, Sundays excepted. As the resolution of October 14, 1887, contained nothing about employing any person to do anything, and as, by the

concurrent action of the mayor and council, that resolution was defeated, I do not see how it can be referred to to extend the employment provided for in the resolution of November 1, 1887, beyond what is actually provided for in the latter resolution. Possibly, individual members of the council, in originally passing the resolution of November first, and then in repassing it over the mayor's disapproval, November fifteenth, may have intended to authorize the lamp committee to employ some person to perform the duties or service which, by rejecting the resolution of October fourteenth, they had refused to authorize or direct the lamp committee to do. But whatever may have been the individual intention of members, I can not find in the resolution of November first, any duty imposed on the employé under it, except to receive the reports provided for, and that duty has to be inferred from the provision requiring the reports to be made to him. Those duties were the receipt, and inferentially, the custody of the reports by the police with reference to the lights and lamps, duties of a clerical character. In discharging those duties, he was in the Civil Service of the city as a clerk, and the act in question prohibited his employment until he had passed the requisite examination.

The next point as to the resolution of December 20, 1887, directing the mayor to contract with Belknap, and which resolution was disapproved by the mayor, and his veto was presented at a meeting of the common council, January 17, 1888, when it was laid on the table to the next regular meeting. At such regular meeting it was further postponed for two weeks, and it finally came up at a meeting held February 17, 1888, when the council proceeded to vote upon the reconsideration of such resolution so disapproved by the mayor and two-thirds of all the members elected to the common council voted in favor of said resolution. Section 48 of the city charter provides in substance, that at the next meeting of the council after a disapproval by the mayor, it shall proceed to reconsider the resolution disapproved by him, and if it shall be passed by two-thirds of all the members of the common council then in office, it shall have full force and effect notwithstanding the disapproval. The resolution was a form of legislative action and is upon the same footing and subject to the same regulations as more formal action by ordinance or bill. (Cushing's Law and Practice of Legislative Assemblies, section 2403.)

There is a discussion and decision as to what power a common council have upon the disapproval of a mayor, in *Sank v. Philadelphia* (8 Phil. R., 118-120), under a provision in a charter somewhat like the above in section 48. The question in that case was whether, on

the coming in of a veto by the mayor and a vote upon the reconsideration having been taken and the veto sustained, the vote sustaining the veto could be reconsidered, and the court held that it could not. And a portion of the reasoning by which the court arrived at that conclusion was that the maxim "*Expressio unius est exclusio alterius*" was applicable, and that everything prescribed by a charter is a prohibition of any other mode. The charter under consideration in that case did not contain the provision in our section 48, that "at the next meeting of the council after a disapproval by the mayor, it shall proceed to reconsider the resolution," etc. Under this provision, could the common council postpone such reconsideration to the next meeting, and then at that next meeting postpone it two weeks further, or did the failure to reconsider at the next meeting after the veto came in, give to the veto the effect of defeating the resolution? Against this power to postpone from meeting to meeting the reconsideration of a vetoed resolution which the charter required should be done at the next meeting after the veto comes in, the reasoning of the court in *Sank v. Philadelphia* (*supra*. p. 120), with a slight change of language, is applicable. If the postponement of the reconsideration which the charter requires to be done at the next meeting can be made from time to time, it is plain that in the end the veto will be overruled, and thus a great constitutional conservation of the rights of minorities and safeguard against inconsiderate legislation be set at nought. There is no safety but in adhering strictly to the constitutional rule; if one postponement can be had, there is no limit to the number that may not take place. The mayor having returned the resolution to the common council, it was competent for the council to give the resolution force and effect, notwithstanding the executive objections to it, by passing it in the manner and by the majority required by the charter. (Cushing's Law and Practice of Legislative Assemblies, section 2381.)

There seems good reason for holding that to give the resolution such force and effect after the veto of the mayor, the common council must have reconsidered the resolution at its next meeting after the veto came in. This question was not made or raised by either party upon the trial or argument and I should not probably have noticed it here had not the proposed findings of all parties, in substance, requested me to find that the action of the council on the seventh of February, was the passing of a vetoed resolution. To this I am not prepared to assent for the reasons already offered above.

I, therefore, proceed to examine the case upon the remaining point presented upon the argument, assuming, as counsel did,

that the resolution of December 20, 1887, was passed over the veto of the mayor by the vote taken February 7, 1888. The contract, which, by that resolution, the mayor was directed to make with Belknap, required Mr. Belknap to examine all street lamps, electric or gas, and their locations and otherwise to assist the lamp committee in the designation and location of such lamps and to open and keep a book wherein shall be entered the name of each street in the city whereon such gas lamps or electric lights are now or hereafter may be placed during the term of said contract, together with the number of said lamps or said lights, and the number and location of any such lamps or lights at any time not burning during any hours when the same is provided by contract or otherwise to be kept lighted, and the same shall be unlighted, such entries to be made in said book on each and every day, Sundays excepted, during the period of said contract. Also, to report to said committee as often as it may require, and at least once a month to the common council, a general summary for the month preceding, of the foregoing matters, and also the number of lamps or lights that have been discontinued, and the authority or cause thereof, if known to or ascertained by him, and the number and location of any and all lamps or lights that have remained unlighted, the name of the company owning or furnishing the same, and the duration of time when the same shall have been unlighted during such months, and he shall perform such other duties as may be connected with the public street lighting system of the city during the period of said contract, and as may be required, from time to time, by said committee or the common council, and to furnish to said committee and the council, as may be directed, written reports upon any of the subjects aforesaid.

Said resolution also provides for the payment of Belknap for his services as "lamp inspector" and provides for his giving security for his faithful performance of the aforesaid matters. It also provides that Belknap shall examine into any and all complaints or charges of any of said lamps or lights having been unlighted at any time during said contract, which shall have been received by him or come to his knowledge or information.

The above abstract of the duties contemplated to be performed by Belknap, shows, I think, quite clearly that his services or employment would come within Schedule B, part second, of the classification made by the mayor, and it follows that his employment to render such services, if consummated by entering into the contract contemplated by said resolution would have been a violation of the Civil Service Act.

In deciding this case, I am not permitted to consider the necessity or the advantage of Belknap's services to the city, or his real qualifications or the wisdom of his employment. The entire question before me is, whether the services he was to render under either resolution came within Schedule B, part second, and I have arrived at the conclusion that they do fall within that portion of the schedule. I do not allow costs because the case seems to have originated and to have been conducted in an amicable spirit to obtain an adjudication upon the Civil Service Act, and the regulations of the mayor under it. The question is a new one arising under a recent statute, and the plaintiff's requests do not ask for costs.

COURT OF OYER AND TERMINER

October Term, A. D., 1888.

THE PEOPLE OF THE STATE OF NEW YORK *v.* ROBERT WALLACE.

Indictment for refusing to prefer for employment an honorably discharged Union soldier.

The grand jury of the county of Cayuga by this indictment accuse Robert Wallace of the crime of refusing to prefer for employment and appointment, an honorably discharged Union soldier, committed as follows: The said Robert Wallace, late of the city of Auburn in said county of Cayuga, on the 3d day of July, in the year of our Lord 1888, at the city and county aforesaid and in the State aforesaid there and there being a duly acting and qualified street superintendent in and for the city of Auburn, N. Y. The office of the said street superintendent, then and there being a public department in and for said city, and the said Robert Wallace as such street superintendent as aforesaid, then and there had charge of the streets of said city of Auburn, N. Y., and the public works of said city of Auburn, and then and there had the power of appointment to and employment in the public service of said city of persons, laborers, teamsters and others upon the streets and in said departments aforesaid; and the said Robert Wallace as such street superintendent as aforesaid had under his charge and in his employ as such superintendent on the streets of said city and on the public works thereof, a large number of men to work as teamsters. That on the 3d day of July, 1888, the said Robert Wallace wrongfully, willfully and unlawfully neglected and refused to prefer for employ-

ment and appointment as a teamster in said department, and discharged and dismissed from employment as teamster in said department on the streets of said city, one William Ryan, he, the said William Ryan, having then and there been in the employ of said city in said department and on the streets and under the street superintendent of said city for the period of three years prior to said July 3, 1888, the said William Ryan then and there being an honorably discharged Union soldier, having served in the Union army of the United States of America from July, A. D. 1862, to July 6, 1865, and was honorably discharged from the service of the said Union army of the United States, at Washington, D. C., July 6, 1865, all of which was then and there well known to said Robert Wallace; that at the time said Robert Wallace refused and neglected to prefer for employment and appointment and discharged and dismissed said William Ryan as aforesaid, he, the said Robert Wallace, had then and there under his charge and in his employ as street superintendent as aforesaid one Albert Bench and one Lawrence Martin, and divers other persons to this grand jury aforesaid unknown, who were not honorably discharged Union soldiers, and was thus and there well known to said Robert Wallace, and said persons have continued in his employ as such superintendent as aforesaid, and have been preferred to said employment and appointed since said 3d day of July, 1888.

That said William Ryan, at the time of his dismissal and discharge and the refusal to prefer him, the said William Ryan, for employment and appointment as aforesaid, was not incapacitated from discharging the duties of such teamster, and was capable of and did perform all the duties required of him as such teamster, and possessed the business capacity necessary to discharge the duties of the position of such teamster; and said William Ryan was so discharged and dismissed, and refused preferment in said employment and appointment as aforesaid, without just cause or provocation, against the form of the statute in such case made and provided, against the peace of the people of the State of New York and their dignity.

A. P. RICH,

District Attorney, Cayuga County.

STATE OF NEW YORK, }
CAYUGA COUNTY CLERK'S OFFICE. } ss.:

I, Benjamin M. Wilcox, clerk of the county of Cayuga, and of the Supreme Court of the said State, and of the County Court of said county, each being a court of record and having a common seal, do hereby certify that I have compared the annexed and foregoing copy

of indictment and indorsements thereon, with the original thereof, now remaining on file in my office, and that the same is a correct copy of such original and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the seal of said county and of said courts at Auburn, N. Y., this 22d day of December, 1888.

B. M. WILCOX,
Clerk.

At a Court of Oyer and Terminer, held at the court-house in the city of Auburn, in and for the county of Cayuga, on the 3d day of October, A. D., 1888.

Present — Hon. WILLIAM RUMSEY, *Justice Supreme Court.*

THE PEOPLE v. ROBERT WALLACE.

Indictment for refusing to prefer for appointment and employment an honorably discharged Union soldier.

Ordered, that this indictment be and the same is hereby sent to the Court of Sessions for trial.

At a Court of Sessions held at the court-house in the city of Auburn, in and for the county of Cayuga, on the 7th day of December, A. D., 1888.

Present — Hon. P. H. VAN AUKEN, *Seneca County Judge, Presiding.*

LEWIS EMERSON and

ALBERT MOSHER, *Justices for Sessions.*

THE PEOPLE v. ROBERT WALLACE.

Indictment for refusing to prefer for appointment and employment an honorably discharged Union soldier.

On motion of A. P. Rich, district attorney, it is ordered that this indictment proceed to trial, and the following jurors were called, examined and excused or sworn, viz. :

1. L. C. Husted, sworn; Albert Ragure, excused by defendant; Thomas Sullivan, excused by people.

2. William N. Robinson, sworn; Wyatt A. Benham, excused by defendant.

3. Caleb Cranson, sworn; H. D. Ferris, excused by defendant; James H. Fulmer, excused by defendant; C. D. Remington, excused by defendant.

4. D. L. Williams, sworn; John H. Corwith, excused by People.

5. Smith Cooper, sworn.

6. Ira H. Baldwin, sworn.

7. A. L. Clark, sworn: William J. Helmer, excused by People.

8. Amos P. Main, sworn.

9. Frank D. Townsend, sworn.

10. William Harmon, sworn.

11. George Bingham, sworn.

12. John Lynch, sworn.

Evidence for People.—John C. Healey, William Ryan, John J. Moore, George S. Clark, Edward C. Hall, Albert Bench, Lawrence Martin, Edward Ryan, Christopher O'Toole, Fred Hosford, Frank Will, William Atkins.

Evidence for Defendant.—Robert Wallace, Charles F. Guion, John Moulvey, Jerry Quill, Elias Hardy.

Evidence closed.

The jury having retired under the charge of the court, attended by a sworn constable, and being now returned into court, say they find the defendant guilty. .

THE PEOPLE v. ROBERT WALLACE.

Indictment for refusing to prefer for employment and appointment an honorably discharged Union soldier.

The defendant having been indicted for the crime above stated, in having at the city of Auburn, in the county of Cayuga, on the 3d day of July, 1888, willfully neglected and refused to prefer for employment and appointment, one William Ryan, an honorably discharged Union soldier, upon the street department of the city of Auburn, the said defendant being then and there street superintendent of the city of Auburn, and as such superintendent having charge of the streets of the city of Auburn, and having been arraigned upon said indictment and by the verdict of a jury convicted of the crime as charged in the indictment, he is by the court now sitting here this 11th day of December, 1888, sentenced to pay a fine of \$100 and stand com-

mitted to the common jail of Cayuga county until paid, not exceeding 100 days.

STATE OF NEW YORK, }
CAYUGA COUNTY CLERK'S OFFICE. }

I, Benjamin M. Wilcox, clerk of the county of Cayuga and also clerk of Oyer and Terminer and Court of Sessions held therein, do hereby certify the foregoing to be true abstracts from the minutes of said courts in the above matter.

Witness my hand and the seal of said courts this 24th day of
[L. s.] December, 1888.

B. M. WILCOX,
Clerk.

SUPREME COURT.

Monroe Special Term (November, 1888).

THE PEOPLE *ex rel.* SIMPSON D. TRAVIS *v.* CHARLES F. DURSTON,
Agent and Warden of Auburn State Prison.

Upon a motion by the relator, an honorably discharged soldier, for a mandamus to compel the respondent to reappoint him a keeper in the State prison at Auburn,

Held, That under the provisions of the State Constitution as amended in 1873 (article 5, section 4), conferring upon the Superintendent of State Prisons the power to select and appoint his subordinates, that officer has the exclusive power to determine as to the propriety of appointments and removals.

Held, That chapter 464 of the Laws of 1887, giving a preference to honorably discharged soldiers and sailors, in appointment and employment in the Civil Service of the State, and designating a particular class from which the head of any department shall select his subordinates, is unconstitutional in that it restricts the powers vested in the Superintendent of State Prisons, under the provision of the Constitution above cited. (The People *ex rel.* Killeen *v.* Angle, 109 N. Y., 564.)

The opposing affidavit of the respondent alleged that the relator had not the business capacity necessary to discharge the duties of the position involved, as required by the act entitling him to preference, and the relator, without denying such allegation, applied for a peremptory mandamus; *held*, that such application was equivalent to a demurrer and an admission of the truth of such allegation as a statement of fact; and that the lack of business capacity being admitted, the motion for a writ should be denied. (The People *ex rel.* The Tenth National Bank *v.* The Board of Apportionment, etc., 64 N. Y., 627.)

A. J. Parker, counsel for the relator.

John W. Hogan, Deputy Attorney-General for the respondent.

ADAMS, J.—From the papers which were brought to the attention of the court upon the hearing of this application, it appears that in the year 1880, the relator was appointed by a former agent and warden of the State prison at Auburn, a keeper therein, and that he occupied that position, performing the duties thereof, down to the 6th day of August, 1888, at which time he was relieved from further duty by the order of the respondent, who was then agent and warden at such prison; that the order relieving the relator from duty was in writing and alleged, as the reason therefor, a direction on the part of the Superintendent of State Prisons, to reduce the force of keepers and guards to the lowest possible number for its government and discipline; that at the time the relator was relieved from duty as such keeper, he was an honorably discharged Union soldier of the war of the rebellion, and was not incapacitated from the discharge of his duty in any way, and that, at that time, other persons were retained in the employ of the prison, as keepers and guards, who were not honorably discharged soldiers of the war of the rebellion; that the relator has not since been reinstated or appointed a keeper of such prison.

The facts thus stated are relied upon as furnishing a sufficient reason for the interposition of the court in the matter of the appointment of a public official, and call for a judicial interpretation of the language of chapter 464 of the Laws of 1887, which, it is contended, has been confessedly violated by the action of the respondent in relieving the relator from duty as a keeper of the Auburn State prison under the circumstances herein set forth.

The first section of the act thus relied upon reads as follows: "In every public department and upon all public works of the State of New York and of the cities, towns and villages thereof, and also in non-competitive examinations under the Civil Service laws, rules or regulations of the same wherever they apply, honorably discharged Union soldiers and sailors shall be preferred for appointment and employment; age, loss of limb or other physical impairment, which does not, in fact, incapacitate, shall not be deemed to disqualify them provided they possess the business capacity necessary to discharge the duties of the position involved."

The second section of the act makes it a misdemeanor on the part of any official or other person having power of appointment to disregard either the letter or spirit of this act.

It is very plain that it was the design of the Legislature, by means of the enactment in question, to make provision whereby the honorably discharged Union soldiers and sailors of the war of the rebellion would obtain preference over all other competitors for appointments

in the Civil Service of the State, a provision which certainly should have the coöperation of all other branches of the State government, provided the act by which it is created is in no respect in conflict with the fundamental laws of the State.

It will be seen, therefore, that the decision of this application necessarily involves the consideration of a question than which none can be more important, namely, the constitutionality of a deliberate act of the Legislature. As has been said by an eminent jurist in a recent case, the duty thus imposed upon the court is one which within settled rules "requires a case so to be made showing clearly that the statute, when fairly and reasonably construed, is brought into conflict with some provision of the Constitution, before the court can be justified in pronouncing it an unauthorized expression of legislative will. If the act and the Constitution can be so construed as to enable both to stand, and each can be given a legitimate office to perform, it is the duty of the court to give them such construction; but if this can not be done, it is equally its duty to declare the supremacy of the constitutional provision, and the nullity of the statute. While every presumption is in favor of the constitutionality of the law, if, nevertheless, it appears that its enforcement must necessarily produce a conflict with the letter or spirit of the Constitution, it is the duty of the court to condemn the law."

With this most excellent statement of the rule which should govern the court in its action upon a question of this importance, for our guide, let us ascertain in what respect, if any, this statute in question comes into conflict with any provision of the Constitution. With this end in view, it will be profitable, perhaps, to examine with some care, the language of the Constitution itself, so far as it has any bearing upon the question at issue. By section 4, of article 5, it is provided that "A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law, for the faithful discharge of his duties; he shall have the superintendence, management and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the superintendent." Prior to the adoption of this provision of the Constitution, the prisons of the State were under the control and management of inspectors, who, under an earlier Constitution, were elective officers, and as such,

were clothed with the power of the appointment of keepers, within certain limitations.

The section which is above quoted, and which marks a radical change in the management of the prisons of the State, is the outcome of the constitutional convention of 1872 and 1873, as amended by the vote of the people in 1876. By reference to the journal of that convention, at page 296, it will be observed that the reason for instituting a change so radical in its character, is stated to be that "it is generally conceded that the management of the prisons by a board of inspectors, has been a disastrous failure. Under the changes proposed, the superintendent will be at all times directly responsible to the Governor, and he to the people, for the proper and faithful discharge of the important duties pertaining to this branch of the public service." It will thus be seen that it was the design of the convention to repose the authority which had theretofore vested in a board of public officers, in one official, namely, the Superintendent of State Prisons. He was given the sole superintendence and management of the prisons, and was required to give security for the faithful discharge of his duty. One of the duties which was thus imposed upon him, was the appointment of the agents, wardens, physicians and chaplains of the prisons, and again the agent and warden were charged with the appointment of all subordinate officers, except clerk, subject to the approval of the superintendent. This being the case, it is of the utmost importance that the constitutional provision in question should be strictly observed, both in letter and spirit, and that the same should not be permitted to be abrogated by legislative action, however wise in theory or beneficent in results such action may be.

Now, by reference to the language of the act in question, it will be observed at once that the Legislature has arrogated to itself the appointment of subordinate officials in the different departments of the State, by designating a class from which the head of any department charged by the Constitution with the appointment of subordinates, shall select those who are to assist him in carrying on the affairs of his department, and if the Legislature may name a class from which these subordinate officials are to be selected, no good reason can be furnished why it should not select and name the persons who should fill those positions. So that, instead of the power and authority for the proper management of the prisons of the State being concentrated in one individual, they are concentrated in the Legislature, and if this is so, then it appears most clearly that the act upon which the relator bases his claims for reinstatement, is in direct conflict with the fundamental law of the State.

It would not be difficult to suppose a case in which, if the statute

in question were to be observed, the Superintendent of State Prisons or the warden of any one of these institutions might be practically deprived of the exercise of any judgment or discretion in the selection of subordinates for whose conduct in the management of their respective duties, he is directly responsible.

But the facts of this case will perhaps furnish a good illustration for the purposes of this discussion. It appears that in the management of the Auburn State prison, the respondent was directed by his superior officer, the superintendent, for reasons which it must be assumed were entirely proper and adequate, to reduce the force of keepers and guards to the lowest possible number for its proper government and discipline. In making this reduction of the working force of the institution of which he was the official head, the Constitution clearly provided that he should exercise his judgment and discretion in the interests of the people, whose servant he was, and in so doing he discharges the relator and retains another official of the same grade. But the Legislature intervenes and by its solemn enactment says that he must not exercise his judgment and discretion in this matter, but on the contrary, if it becomes necessary for him to retain one of two keepers and discharge the other, he must select the one who is to be retained from a particular class of citizens. Now, so far as this statute seeks to make suitable provisions for those who have risked their lives in the defense of their country, it certainly can not with any reason, be objected to provided it does not come in conflict with the organic law of the State, but if it interferes with and hampers, limits or controls the action of the respondent in the discharge of an official duty which is imposed upon him, it certainly does contravene the Constitution and can not be regarded because in its design and scope it is meritorious.

It is contended by the relator's counsel that the Constitution, although conferring upon the warden the power of appointment, does not in terms include the power of removal. But it is not essential to the exercise of the power of removal that it should be conferred either in the Constitution or the statute, for the power to appoint to office or place, where the terms or tenure are not defined, necessarily carries with it the power of removal, (The People *ex rel.* Charles T. Sims *v.* The Board of Fire Commissioners of the city of New York, 73 N. Y., 437.)

The foregoing reasons would seem to furnish ample authority for the denial of the relator's application, but a recent adjudication by the court of last resort in this State, in a case similar in many respects to the one under consideration, although involving a different stat-

ute as well as a different provision of the Constitution, seems to be in all respects conclusive upon this question, even if this court were disposed to take a different view than that which it has already expressed. (*The People ex rel. Killeen v. Angle*, 109 N. Y., 564.)

It is further contended by the counsel for the relator that section 6 of article 5 of the Constitution gives support to the legislation under consideration. This contention is effectually disposed of in the case last cited, and the reasons which are given for the conclusion reached by the court, in respect to that question, furnish a satisfactory answer to any contention which might be made. that the language of section 4, which provides that the superintendent shall have the "management and control of the State prisons, subject to such laws as now exist or may hereafter be enacted," is applicable to the matter of appointments of individuals to subordinate positions.

But even were the court in error in its interpretation of that provision of the Constitution which is applicable to this case, there would seem to be another objection to the granting of the relief sought, which must necessarily dispose of the case so far as the rights of the relator are concerned. The appointment of an honorably discharged Union soldier or sailor to official position, within the contemplation of the act of 1887, is made conditional upon his possessing the business capacity necessary to discharge the duties of the position involved. In the opposing affidavit of the respondent it is alleged that the relator did not possess the requisite qualifications to entitle him to an appointment to the position which he held; or in other words, that one of the reasons which controlled the respondent in his selection of the relator for removal was, that he was less competent to discharge the duties of keeper than others retained by him; that in his opinion he did not possess the business capacity to discharge the duties involved in the position of keeper; that his presence would be demoralizing to the discipline and good government of the prison and would seriously embarrass the respondent in the proper discharge of the duties of his office. This allegation on the part of the respondent is not denied by the relator. On the contrary, he proceeded to argument and asked for a peremptory writ, which is equivalent to a demurrer, and is an admission of the truth of those allegations as statements of facts. And that being the case, the respondent was certainly acting within the spirit, if not the precise letter, of the statute in question. (*The People ex rel. Tenth National Bank v. The Board of Appraisement of the city and county of New York*, 64 N. Y., 627.)

For these reasons the application for a writ of mandamus must be denied with costs.

SUPREME COURT.

THE PEOPLE *ex rel.* DuBois v. W. HANSOM MELLOR AND OTHERS.

BARNARD, J.—The relator was appointed assistant engineer at the Poughkeepsie water-works by the defendant's board in March, 1887, at a salary of seventy dollars a month. The appointment was made under the laws regulating appointments in the Civil Service of the State. The relator was a soldier in the Union army during the rebellion, and under chapter 119, Laws of 1888, could not be removed from his position unless he was appointed for a definite term. The defendant's board has power under the charter to employ "an engineer and an assistant at the pumping works" under such salary as the board should fix. (Title 13, section 214, subdivision 3, city charter; chapter 523, Laws of 1883.)

The charter also provides that "the term of office of each officer appointed by the mayor shall expire with the term of the mayor appointing him and that the term of office of all other officers appointed under this act shall expire at the thirty-first day of December after the appointment." (Title 2, section 34, city charter.)

The relator is not strictly an officer of the city. His position is not classed among the officers of the city, under title 2, section 3 of the charter, unless included in the description, "such other officers as authorized by this act." The relator is not included in this class. All officers of the city must be residents and electors therein. A removal from the city vacates an office. (Title 2, section 21.) The water-works are outside of the city, and the engineer or the assistant were not intended to be necessarily residents of the city, as their effectiveness may require a residence at the works. The authority given the defendant's board favors this view. The power to employ "an engineer and an assistant engineer at the pumping works." The same words are used in respect to other labor "to hire and employ the requisite laborers."

The relator therefore does not come within the description of officers whose terms expire with the year of his appointment. The employment will continue until revoked. The defendants had therefore no power to remove him or to subject him to a new Civil Service examination.

The mandamus should therefore be granted without costs, as the question is new.

SUPREME COURT.

THE PEOPLE *ex rel.* HITCHCOCK *v.* THE BOARD OF ALMS-HOUSE COMMISSIONERS.

BARNARD, P. J.—There is but a single question presented by the moving papers. The relator was, according to the laws applicable to Civil Service appointments, examined and was included in the eligible list as one of three persons certified to the defendant for the appointment as superintendent of the city alms-house. The relator was the only one of the three so certified who was an honorably discharged soldier in the Union army during the rebellion. The question is, whether the appointing board can pass by the veteran and appoint one of the others who had never been a soldier. The power of cities to provide rules for the greater efficiency of their Civil Service was given by chapter 410, Laws of 1884, section 8. This act was amended in 1884, and a preference given for an appointment to office under the act to those who had served in the army or navy of the United States in the late war and been honorably discharged. (Chapter 410, Laws of 1884, section 8, subdivision 4.)

By chapter 29, Laws of 1886, the Legislature again amended this act and more fully exposed the discharged soldiers' preference to an appointment by the following section:

§ 4. "In grateful recognition of the services, sacrifices and sufferings of persons who served in the army or navy of the United States in the late war and have been honorably discharged therefrom, they shall be certified as such by the commissioners, board or officers authorized to report names for appointment, to the appointing officers or other appointing power, and shall be preferred for appointment to positions in the Civil Service of the State, and of the cities affected by this act and the several acts hereby amended, over all other persons, though graded lower than others so examined and reported, provided their qualifications and fitness shall have been ascertained as provided under this act and the several acts hereby amended, and the person thus preferred shall not be disqualified from holding any position in said Civil Service on account of his age nor by reason of any physical disability, provided such age or disability does not render him incompetent to perform the duties of the position applied for."

By chapter 464 of the Laws of 1887 the Legislature goes still further in respect to the appointment of Union soldiers to office. In every public department in the State and of the cities, towns and villages, and in such competitive examinations under the Civil Service laws, rules and regulations, honorably discharged Union soldiers are

directed to be preferred for appointment, and a faithful compliance with this act "in letter and spirit was imposed upon all appointing boards and persons, and a failure so to do was made a misdemeanor." Under these laws the relator was entitled to the appointment in question unless the respondents gave a reason which permits him to be passed over. The return states that the relator has not the necessary business capacity to perform the duties of the office, and also that he is physically incapacitated to perform those duties. The appointing board is charged with no duty in those respects. The very object of the Civil Service laws was to remove the question from the appointing board. The law gives the mayor power to make rules to secure the best officers, and these rules provide for a medical examination of the applicant, that "he is free from any physical defect or disease that would be likely to interfere with the proper discharge of his duties in the position in the Civil Service sought by the applicant." (Civil Service rules prescribed by Mayor White; regulation 6, subdivision 10.) By the same regulation not less than three nor more than five reputable citizens of the city must certify that they have been personally acquainted with the applicant at least one year, and believe him to be of good moral character, of temperate and industrious habits and in all respects fit for the service which he wishes to enter. The mayor has the power to strike off the name of any person from the eligible list upon satisfactory evidence that he is unfit for appointment by reason of character, habits or past reputation. The appointment is probationary for two months. (Regulation 20, Civil Service rules, Mayor White.) Under those rules the applicant's physical condition was certified to by Dr. R. K. Tuthill, and his business qualifications were certified to by Charles P. Luckey, Edward Van Kleeck, E. D. Gildersleeve, B. H. Trowbridge and Henry Tittamer. The certificates were given under an expressed willingness that the same may be published. No complaint was made to the mayor, who had the certificates delivered to him and no one was stricken from the eligible list. By the general law and by regulation 13, subdivision 2, of the mayor, one of those persons so certified must be appointed, and by the law and by regulation 26, of the mayor, the honorably discharged soldier "shall be preferred." It was made the duty of the board of examiners "to ascertain the fitness of candidates for the service of the city." If the Civil Service laws are to be of real value, the appointing board must appoint from the list and not have all these proceedings addressed to obtain a good officer go for nothing. Such would be the result if the appointing board could go outside of the list upon the ground that the law was insufficient to reach a good

result. The design of the law was to get a better Civil Service. If it is faithfully executed a good result is reasonably certain. The appointing board or officer must be strictly held to the provisions of the law because it is the law in any event. The respondents were bound to make the probationary appointment from the three names presented, and to give the soldier the preference, provided that "his qualifications and fitness shall have been ascertained, as provided under this act and the several acts hereby amended." (Chapter 29, Laws of 1886, section 4.)

The motion for a mandamus should, therefore, be granted without costs.

CIRCUIT COURT OF THE UNITED STATES—SOUTHERN
DISTRICT OF NEW YORK.

July 20, 1882.

UNITED STATES *v.* CURTIS.

1. *Civil Service — Political Assessments — Prohibitory Act Construed.*
2. *Same — Government Officials — Power of Congress.*
3. *Same — Legislative Powers.*

Under the act of Congress which prohibits "all executive officers or employes of the United States not appointed by the President, by and with the advice and consent of the Senate," from "requesting, giving to, or receiving from any other officer or employé of the government any money or property or other thing of value for political purposes," the person indicted can only be tried for doing the thing which the statute prohibits; and unless this of itself, isolated from all its concomitants, can be competently made a crime by Congress, the statute is nugatory.

Congress may lawfully prescribe all needful regulations for the discipline of government officials, and may declare what infractions of discipline shall be treated as criminal offenses, and it may prohibit coöperation between officials in the raising of funds for political purposes.

In executing its power to prohibit acts of officers or employes which are incompatible with the proper discharge of their duties, or which impair the efficacy or tend to demoralize the public service, Congress must exercise its judgment and discretion in determining what acts are or are not of such a pernicious character and tendency, and it is only when Congress has palpably transgressed the limits of its discretion that the judicial department will intervene. It is sufficient to justify the exercise of legislative discretion if the prohibited acts tend to introduce interests which disturb the just equipoise of official relations.

Motion for new trial and arrest of judgment.

The indictment against the defendant contained eleven counts. Upon the first and eighth he was convicted, and acquitted upon the others. To arrest judgment, or obtain a new trial, upon the counts mentioned, he filed the present motions.

The first count charged him with "receiving" five dollars "in money" from Peter Vogelsang, in October last, "for political purposes," to wit, for the use of the Republican State committee, of which Curtis is alleged to have been a member, in the then pending campaign, both Vogelsang and Curtis being (as it is alleged) then "employés" of the United States not appointed by the President with the advice and consent of the Senate.

The eighth count charges the like reception by Curtis, from Charles Treichel of a certain "thing of value," to wit, the bank check of Mr. Treichel for \$100, "payable to the order of him, the said Curtis," for the use aforesaid. There is the same allegation that both of these persons were then such "employés" of the United States, it being stated that Mr. Treichel was an "auditor" at the custom-house.

This indictment was found under the act of August 15, 1876, chapter 287:

"§ 6. That all executive officers or employés of the United States, not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employé of the government any money or property or other thing of value for political purposes. And any such officer or employé who shall offend against the provisions of this section shall be at once discharged from the service of the United States. And he shall also be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding five hundred dollars."

(19 St., 169; 1 Supp. Rev. St., 245.)

S. L. Woodford, United States district attorney, and

Everett P. Wheeler, for the United States.

Edwin B. Smith, for defendant.

The argument was heard by Wallace, C. J., Benedict, D. J., and Addison Brown, D. J.

WALLACE, C. J.—While we have not overlooked the several rulings upon the trial which are impugned by the defendant, our principal attention has been directed to the point most strenuously pressed

upon the argument relating to the constitutionality of the act of March 15, 1876, upon which the indictment proceeds. The act prohibits "all executive officers or employés of the United States not appointed by the President with the advice and consent of the Senate" from "requesting, giving to, or receiving from, any other officer or employé of the government any money or property or other thing of value for political purposes." We can not profess to be ignorant that this law was enacted in order to interdict practices which had become a topic of extended animadversion. But, although it may have been aimed at the suppression of the practice which has prevailed among party organizations of soliciting contributions for party purposes from their office-holding members, or exacting them by a moral coercion; and although its provisions may be well calculated to effect this object—it does not follow that it can be sustained as a legitimate means to that end. No person can be indicted under it for any other act than the one precisely designated. Whatever may have been the attendant circumstances, and however they may have qualified the moral complexion of the transaction, the person indicted can only be tried for doing the thing which the statute prohibits; and unless this of itself, isolated from all its concomitants, can be competently made a crime by Congress, the statute is nugatory.

It is insisted for the defendant that it is not within the constitutional power of Congress to make the giving or requesting or receiving of a voluntary contribution for political purposes by a subordinate government official a criminal offense. It will be observed, however, that the prohibition applies only when there is concerted action between officials in this behalf. The question, then, is whether it is competent for Congress to prohibit coöperation between officials in the raising of funds for political purposes. Undoubtedly it is lawful for Congress to prescribe all needful regulations for the discipline of government officials, and to declare what infractions of discipline shall be treated as criminal offenses. The power to prohibit acts of officers or employés which are incompatible with the proper discharge of their duties, or which impair the efficiency or tend to demoralize the public service, is essential to promote the end and object of government; and this power resides in the legislative department of the government. In executing this power Congress must of necessity exercise its judgment and discretion in determining what acts are or are not of such a pernicious character and tendency. The legislative discretion embraces a large field, and its boundaries can not always be readily located. It is only when Congress has palpably transgressed the limits of its discretion that the judicial department will intervene. Such

a case might arise if Congress should attempt to prohibit an act of a nature pertaining so exclusively to the sphere of private conduct that it could not, by any implication, infringe upon official deportment or official discipline. We are not able to say that the acts prohibited by the present statute are of such a character. We can not affirm that Congress transcended its discretion in prohibiting transactions between officials which create the relation of donor and donee, and introduce party interests into the public service; nor that Congress erred in assuming that the influences springing from this relation and these interests should be discouraged as liable to deflect the independence and impartiality which must rule official intercourse. Many instances may be found in the laws of Congress where this legislative discretion has been exercised. It suffices to refer to one contained in the act of February 1, 1870, which prohibits any officer or clerk in the employ of the government from making any gift or present to an official superior. It is not necessary to maintain that the coöperation of officials in raising funds for political objects is essentially demoralizing to the public service, or subversive of discipline. It is sufficient to justify the exercise of the legislative discretion if the prohibited acts tend to introduce interests which disturb the just equipoise of official relations. If it is suggested that it is the right and duty of every good citizen to aid in promoting such political objects as he deems to be wise and beneficial, and that Congress has no constitutional power to abridge that right, the answer is that no citizen is required to hold a public office, and if he is unwilling to do so upon such conditions as are prescribed by that department of the government which creates the office, fixes its tenure, and regulates its incidents, it is his duty to resign.

In reaching the conclusion that the statute is not obnoxious to the objections which have been suggested, we have given force to the presumption in favor of its constitutionality, which it is the duty of the judiciary to apply to all legislative enactments. This presumption should prevail in all conflicts of interpretation and all doubtful implications of constitutional power, so as, if possible, to sustain the validity of legislative action. We have examined the minor points raised upon the argument, and presented in the brief of counsel relating to the rulings upon the trial, but do not deem it necessary to discuss them. We think them to be without merit.

The motion in arrest of judgment and for a new trial is denied (12 Fed. Rep., 824.)

SUPREME COURT OF THE UNITED STATES.

*October Term, 1882.**Ex parte CURTIS.*

The sixth section of the act of August 15, 1876, chapter 287, prohibiting, under penalties therein mentioned, certain officers of the United States from requesting, giving to or receiving from, any other officer money or property or other thing of value for political purposes, is not unconstitutional.

Petition for a writ of habeas corpus.

The sixth section of the act of August 15, 1876, chapter 287, entitled "An act making appropriations for the legislative, executive and judicial expenses of the government," provides "that all executive officers or employés of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employé of the government, any money or property, or other thing of value for political purposes; and any such officer or employé who shall offend against the provisions of this section, shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars."

Curtis, the petitioner, an employé of the United States, was indicted in the Circuit Court for the southern district of New York, and convicted under this act for receiving money for political purposes from other employés of the government. Upon his conviction he was sentenced to pay a fine and stand committed until payment was made. Under this sentence he was taken into custody by the marshal, and on his application a writ of habeas corpus was issued by one of the justices of this court in vacation, returnable here at the present term, to inquire into the validity of his detention. The important question presented on the return to the writ so issued is whether the act under which the conviction was had is constitutional.

The case was argued by Mr. Edwin B. Smith in favor of the petition, and by the solicitor-general in opposition thereto.

Mr. Chief Justice Waite, after stating the case, delivered the opinion of the court:

The act is not one to prohibit all contributions of money or property by the designated officers and employés of the United States for political purposes. Neither does it prohibit them altogether from receiving or soliciting money or property for such purposes. It simply

forbids their receiving from or giving to each other. Beyond this no restrictions are placed on any of their political privileges.

That the government of the United States is one of delegated powers only, and that its authority is defined and limited by the Constitution, are no longer open questions; but express authority is given Congress by the Constitution to make all laws necessary and proper to carry into effect the powers that are delegated. (Art. 1, sec. 8.) Within the legitimate scope of this grant Congress is permitted to determine for itself what is necessary and what is proper.

The act now in question is one regulating in some particulars the conduct of certain officers and employes of the United States. It rests on the same principle as that originally passed in 1789, at the first session of the first Congress, which makes it unlawful for certain officers of the Treasury Department to engage in the business of trade or commerce, or to own a sea vessel, or to purchase public lands or other public property, or to be concerned in the purchase or disposal of the public securities of a State, or of the United States (Rev. Stat., sec. 243); and that passed in 1791, which makes it an offense for a clerk in the same department to carry on trade or business in the funds or debts of the States or of the United States, or in any kind of public property (*id.*, sec. 244); and that passed in 1812, which makes it unlawful for a judge, appointed under the authority of the United States, to exercise the profession of counsel or attorney, or to be engaged in the practice of the law (*id.*, sec. 713); and that passed in 1853, which prohibits every officer of the United States, or person holding any place of trust or profit, or discharging any official function under or in connection with any executive department of the government of the United States, or under the Senate or House of Representatives, from acting as an agent or attorney for the prosecution of any claim against the United States (*id.*, sec. 5498); and that passed in 1863, prohibiting members of Congress from practicing in the Court of Claims (*id.*, sec. 1058); and that passed in 1867, punishing, by dismissal from service an officer or employe of the government who requires or requests any workingman in a navy-yard to contribute or pay any money for political purposes (*id.*, sec. 1546); and that passed in 1868, prohibiting members of Congress from being interested in contracts with the United States (*id.*, sec. 3739); and another, passed in 1870, which provides that no officer, clerk, or employe in the government of the United States shall solicit contributions from other officers, clerks or employes for a gift to those in a superior official position, and that no official or clerical superiors shall receive any gift or present as a contribution to them from persons in

government employ getting a less salary than themselves, and that no officer or clerk shall make a donation as a gift or present to any official superior (*id.*, sec. 1784). Many others of a kindred character might be referred to, but these are enough to show what has been the practice in the legislative department of the government from its organization, and, so far as we know, this is the first time the constitutionality of such legislation has ever been presented for judicial determination. •

The evident purpose of Congress in all this class of enactments has been to promote efficiency and integrity in the discharge of official duties, and to maintain proper discipline in the public service. Clearly such a purpose is within the just scope of legislative power, and it is not easy to see why the act now under consideration does not come fairly within the legitimate means to such an end. It is true, as is claimed by the counsel for the petitioner, political assessments upon office-holders are not prohibited. The managers of political campaigns, not in the employ of the United States, are just as free now to call on those in office for money to be used for political purposes as ever they were, and those in office can contribute as liberally as they please, provided their payments are not made to any of the prohibited officers or employés. What we are now considering is not whether Congress has gone as far it may, but whether that which has been done is within the constitutional limits upon its legislative discretion.

A feeling of independence under the law conduces to faithful public service, and nothing tends more to take away this feeling than a dread of dismissal. If contributions from those in public employment may be solicited by others in official authority, it is easy to see that what begins as a request may end as a demand, and that a failure to meet that demand may be treated by those having the power of removal as a breach of some supposed duty, growing out of the political relations of the parties. Contributions secured under such circumstances will quite as likely be made to avoid the consequences of the personal displeasure of a superior, as to promote the political views of the contributor — to avoid a discharge from service, not to exercise a political privilege. The law contemplates no restrictions upon either giving or receiving, except so far as may be necessary to protect, in some degree, those in the public service against exactions through fear of personal loss. This purpose of the restriction, and the principle on which it rests, are most distinctly manifested in section 1546 (*supra*) the reenactment in the Revised Statutes of section 3 of the act of June 30, 1868, c. 172, which subjected an officer or

employé of the government to dismissal if he required or requested a workingman in a navy yard to contribute or pay any money for political purposes, and prohibited the removal or discharge of a workingman for his political opinions; and in section 1784, the reenactment of the act of February 1, 1870, c. 63, "to protect officials in public employ," by providing for the summary discharge of those who make or solicit contributions for presents to superior officers. No one can for a moment doubt that in both these statutes the object was to protect the classes of officials and employés provided for from being compelled to make contributions for such purposes through fear of dismissal if they refused. It is true that dismissal from service is the only penalty imposed, but this penalty is given for doing what is made a wrongful act. If it is constitutional to prohibit the act, the kind or degree of punishment to be inflicted for disregarding the prohibition is clearly within the discretion of Congress, provided it be not cruel or unusual.

If there were no other reasons for legislation of this character than such as relate to the protection of those in the public service against unjust exactions, its constitutionality would in our opinion, be clear; but there are others, to our minds, equally good. If persons in public employ may be called on by those in authority to contribute from their personal income to the expenses of political campaigns, and a refusal may lead to putting good men out of the service, liberal payments may be made the ground for keeping poor ones in. So, too, if a part of the compensation received for public services must be contributed for political purposes, it is easy to see that an increase of compensation may be required to provide the means to make the contribution, and that in this way the government itself may be made to furnish indirectly the money to defray the expenses of keeping the political party in power that happens to have for the time being the control of the public patronage. Political parties must almost necessarily exist under a republican form of government; and when public employment depends to any considerable extent on party success, those in office will naturally be desirous of keeping the party to which they belong in power. The statute we are now considering does not interfere with this. The apparent end of Congress will be accomplished if it prevents those in power from requiring help for such purposes as a condition to continued employment.

We deem it unnecessary to pursue the subject further. In our opinion the statute under which the petitioner was convicted is constitutional. The other objections which have been urged to the detention can not be considered in this form of proceeding. Our

inquiries in this class of cases are limited to such objections as relate to the authority of the court to render the judgment by which the prisoner is held. We have no general power to review the judgments of the inferior courts of the United States in criminal cases, by the use of the writ of habeas corpus or otherwise. Our jurisdiction is limited to the single question of the power of the court to commit the prisoner for the act of which he has been convicted. (*Ex parte Lange*, 18 Wall., 163; *ex parte Rowland*, 104 U. S., 604.)

The commitment in this case was lawful, and the petitioner is consequently remanded to the custody of the marshal for the southern district of New York.

Mr. Justice Bradley dissenting.
(16 Otto, 371.)

UNITED STATES CIRCUIT COURT — SOUTHERN DISTRICT OF
NEW YORK.

September, 1885.

The UNITED STATES OF AMERICA, on relation of JAMES W. HINCKLEY v. DORMAN B. EATON, JOHN M. GREGORY and L. D. THOMAN, *Civil Service Commissioners.*

An action to have a statute of the United States declared unconstitutional can not be maintained in the name of the United States except by the authorization and under the direction of the Attorney-General.

This action was brought for the purpose of having the United States Civil Service Act, passed January 16, 1883, adjudged to be unconstitutional.

The Attorney-General of the United States took no part in instituting the suit and did not interpose to prosecute it.

The United States District Attorney, under instructions from President Cleveland, appeared for the defendants; and on the case being called for trial before Judge Wallace, took the objection that no such suit could be maintained in the name of the United States, except by the authorization and under the direction of the Attorney-General of the United States. After hearing counsel, the judge sustained the objection and dismissed the case. No appeal was taken.

SUPREME COURT OF THE UNITED STATES.

October Term, 1885.

UNITED STATES v. PERKINS.

Appeal from the Court of Claims.

When Congress by law, vests the appointment of inferior officers in the heads of departments, it may limit and restrict the power of removal as it deems best for the public interests.

A naval cadet-engineer, not found deficient at examination, not dismissed for misconduct under the provisions of Revised Statutes, section 1525, or upon and in pursuance of a sentence of a court-martial, but honorably discharged by the Secretary of the Navy against his will, remains in the service notwithstanding his discharge, and is entitled to recover in the Court of Claims the pay attached to the position.

The facts are stated in the opinion of the court.

Assistant Attorney-General Maury, for appellant.

J. W. Douglass, for appellee.

Mr. Justice Matthews delivered the opinion of the court.

The object of this suit was to recover \$100 as the salary of the plaintiff as a cadet-engineer of the navy, from June 30, 1883, to September 1, 1883, at the rate of \$600 per year, as provided by Revised Statutes, section 1556. Judgment was rendered in his favor for that amount. 20 C., 1, 438.

The plaintiff entered the Naval Academy as a cadet-engineer for 1877, and graduated therefrom on June 10, 1881. On June 26, 1883, he received a letter from the Secretary of the Navy, giving him notice that, as he was not required to fill any vacancy in the naval service happening during the preceding year, he was thereby honorably discharged from the the 30th of June, 1883, with one year's sea-pay, as prescribed by law for cadet-midshipmen, in accordance with the provisions of the act of Congress, approved August 5, 1882.

He protested against this order as illegal and refused the pay, and regarding himself as continuing in the service, he sued for his pay subsequently accruing.

The case differs from that of Redgrave, just decided, in one particular only — that the claim is for pay after the alleged discharge.

The single question now raised as to that point is, that, although the discharge may not be justified by the act of August 5, 1882, the Secretary of the Navy, irrespective of that act, had lawful power to

discharge him from the service at will. This authority is claimed on the ground that the plaintiff was not an officer in the naval service within the meaning of Revised Statutes, section 1229, which provides that "No officer in the military or naval service shall in time of peace be dismissed from service except upon and in pursuance of the sentence of a court-martial, to that effect or in commutation thereof;" and that consequently the right to remove and discharge him from the public service is implied in the power of appointment.

In reply to this position, the Court of Claims, in its opinion in this case, said :

"In this view we can not concur. That a cadet-engineer like the claimant was a graduate and in the naval service we have already decided; that he was an officer is made manifest by the terms of the Constitution, which provides that "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." Congress has by express enactment vested the appointment of cadet-engineers in the Secretary of the Navy, and when thus appointed they become officers and not employes. (United States v. Germaine, 99 U. S., 508; Moore v. United States, 95 U. S., 760; United States v. Hartwell, 6 Wall., 385.)

"It is further urged that this restriction of the power of removal is an infringement upon the constitutional prerogative of the Executive, and so of no force, but absolutely void. Whether or not Congress can restrict the power of removal incident to the power of appointment of those officers who are appointed by the President, by and with the advice and consent of the Senate, under the authority of the Constitution (article 2, section 2) does not arise in this case and need not be considered.

"We have no doubt that when Congress by law vests the appointment of inferior officers in the heads of departments it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in Congress to thus vest the appointment implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed.

"The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments but in all that is incident thereto.

"It follows that as the claimant was not found deficient at any examination, and was not dismissed for misconduct under the provisions of Revised Statutes, section 1525, nor upon and in pursuance

of the sentence of a court-martial to that effect or in commutation thereof, according to Revised Statutes, section 1229, he is still in office and is entitled to the pay attached to the same."

We adopt these views and affirm the judgment of the Court of Claims.

Affirmed.

(116 U. S., 483.)

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

General Term.

IN THE MATTER OF THE PETITION OF RIGHT BY MORRIS S. MILLER.

Decided April 4, 1887.

Justices Hagner and James sitting.

There is no such judicial proceeding known in the United States as a petition of right as the same was practiced and observed in the administration of justice in England.

The act of Congress of January 16, 1883, and its supplements, establishing what is known as the Civil Service Commission, are not unconstitutional.

Petition of right dismissed.

The case is stated in the opinion.

Morris S. Miller, petitioner, *pro se*.

Mr. Justice Hagner delivered the opinion of the court.

Mr. Morris S. Miller, of Oneida county, New York, presented himself in the General Term and asked its leave to file what he called a petition of right. The purpose disclosed by his statement and elaborate brief, was to procure from this court a declaration that the act of January 16, 1883, and its supplements, establishing what is known as the Civil Service Commission, is unconstitutional and void; and to obtain its interposition, by some form of order, by injunction or otherwise, to put a stop to what he alleged to be a continued usurpation by the officials of that Commission upon the rights of the citizen.

Sitting as an appellate court, we refused to grant the leave; and the petition was then presented to the Circuit Court, and certified to be heard here in the first instance, and was elaborately argued by Mr. Miller. In compliance with the suggestion of the court, the counsel has since furnished us with a number of additional authorities, establishing, as he conceived, the existence of the jurisdiction here and the propriety of the action invoked.

Unprecedented as the application was, it nevertheless appeared to the court that its duty required it to examine with care a claim presented in respectful terms by a citizen asking its interposition, irrespective of its antecedent convictions, and we have given careful attention to the arguments and numerous authorities presented by the petitioner, and to all others attainable, bearing on the subject.

The records of this court, extending back eighty-six years, contain no reference to such a proceeding, and no case of the kind appears in any other of the courts of the United States, stretching back ten years further.

A careful search has discovered two cases in the Court of Appeals of Virginia (Commonwealth v. Beaumarcheis, 3 Call., —, and Attorney-General v. Turpin, 3 H. & M.), decided early in this century, in which it was insisted on the part of the Commonwealth that the suitors in those cases should have presented their claims against Virginia by way of petition of right, in the manner pointed out in a statute passed soon after the outbreak of the Revolution, as a mode of claiming title to escheated lands by British subjects; but the pretension in each case was overruled by the court. The statute is referred to by Judge Tucker, in 4 Tucker's Blackstone, page 356, but there is no more countenance given by the American authorities to the claim that the petition of right is now recognized here as an existing form of remedy, than that *wager of battle* or the *peine forte et dure* survive as parts of the machinery of the law in the United States.

We must refer to the ancient treatises even for a definition of the proceeding here invoked. In the argument there has been a constant tendency to confuse the subject at times with the right of petition, and again with the provisions of the great parliamentary declaration of the liberties of the people of England, assented to by Charles I at the commencement of his reign, known in English history as the petition of right. Of course, neither of these matters has any relation to the subject before us. The right of petition antedates all constitutions and statutes; it is the inalienable privilege of the citizen, and is a sensible, and, in a just case, an efficacious method of procuring from the Legislature the repeal or modification of objectionable laws. On the other hand, the reasonable demands of the parliamentary petition of right inhere in our system of government itself, and are further secured by the explicit declarations of the Constitution.

Blackstone adopts from Bacon's Abridgement (Prerogative E., 7) his explanation of the present proceeding in the English law. Having its origin in the idea that the king had a prerogative not to

be sued in his own courts, it was devised as a substitute for an ordinary suit that the citizen should not be without redress where his rights of property had been invaded by the sovereign, "the person of the chief magistrate being set out of the reach of coercion." (3 Black. Com., 255.) "The common law method of obtaining possession or restitution from the crown, of either real or personal property, are: First, by *petition de droit* or petition of right, which is said to owe origin to King Edward I; second, by *monstrance de droit*, manifestation or plea of right; both of which may be prosecuted either in the chancery or the exchequer. The former is in use, when the king is in full possession of any hereditaments or chattels, and the petitioner suggests such a right as controverts the title of the crown, grounded on facts disclosed in the petition itself, * * * and then upon this answer being indorsed or underwritten by the king, *soit droit fait al partie*, a commission shall issue to inquire of the truth of the suggestion," etc.

From this statement it is clear the present would not be a case for this proceeding, even if the jurisdiction existed in this court to entertain it. There is no pretense that the sovereign is in possession of any hereditaments or chattels of the petitioner. Disclaiming to be an applicant for office before the commission, as a private citizen only, he complains that Congress, in the forms of the Constitution, has seen fit to exact a law which he considers oppressive and unconstitutional. Its oppression is said to be shown by the vexatious restrictions and annoying examinations to which an applicant for office is subjected by the rules of the Civil Service Commission before he can obtain an appointment. As a specimen of this wrong, we are told that with the design of tripping up the candidate, he is asked to "solve the equation of the fifth degree," which he asserts is unsolvable. Its alleged unconstitutionality consists in its interference with the official rights of the President and heads of departments, in the power of appointment. But by no liberality of construction could these alleged outrages be brought within the category of the class of wrongs described in Blackstone's definition.

Without pretending that he has personally been injured by the law, in any wise, and avowing that he has no personal grievance in the premises, and has no purpose to apply for official position, his complaint is an abstract protest against a statute which we are to infer he would have opposed if he had been in Congress when it was under discussion.

It is true that the government of Great Britain, under the provi-

sions of a statute of Victoria, accords to aliens, as well as its own citizens, the privilege of prosecuting claims against it, by a petition of right. Adhering still to the fundamental idea that the king can do no wrong, its courts could not be allowed to issue mandatory process against the sovereign. (*U. S. v. O'Keefe*, 11 Wall., 182.)

But in this country the citizen is not so remediless to obtain an adjudication of rights against the government as to require the ingrafting of such an exceptional form of procedure upon our judicial system. It has been well settled by the courts that the citizen may vindicate his rights by ordinary action against the government officials in possession of the property claimed. (*Brown v. Hugor*, 21 How., 308; *Kauffman v. Lee*, 106 U. S., 196.)

In the latter case Lee brought suit against Kauffman, a government official in charge of the National Cemetery at Arlington, to recover possession of the estate. It was held by the government under purchase at a tax sale, the proceedings attending which, it was insisted, were irregular and void.

On the part of the United States, intervening in the case, it was contended that the possession of the estate by Kauffman, as superintendent of the cemetery, was only the possession of the United States, and that the action was in effect a suit against the United States, which could not be sustained without its expressed assent. A majority of the Supreme Court overruled this objection and held that this doctrine had no application where officers of the United States, holding property for public uses, are sued by one claiming to be the owner; and that the lawfulness of the title of the United States to the property may, in such a proceeding, be adjudged by a competent tribunal.

In the able judgment delivered in the case the doctrine is thoroughly discussed on both sides. In the opinion of the court the difference in the conditions surrounding the government of the United States and of Great Britain are pointed out in these words by Justice Miller:

“Notwithstanding the progress which has been made, since the days of the Stuarts, in stripping the crown of its powers and prerogatives, it remains true to-day that the monarch is looked upon with too much reverence to be subjected to the demands of the law as ordinary persons are, and the king-loving nation would be shocked at the spectacle of their queen being turned out of her pleasure-garden by a writ of ejectment against the gardener. The crown remains the fountain of honors, and the surroundings which give dignity and

majesty to its possessor are cherished and enforced all the more strictly because of the loss of real power in the government.

"It is not to be expected, therefore, that the courts will permit their process to disturb the possession of the crown by acting on its officers and agents.

"Under our system, the people who are their honored subjects are the sovereigns. Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here knows no person, however near to those in power, or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered."

And in discussing the question whether the government should only be impleaded according to the practice in England, by the petition of right, the court says:

"It is believed that this petition of right, as it has been practiced and observed in the administration of justice in England, has been as efficient in securing the rights of suitors against the crown in all cases appropriate to judicial proceedings, as that which the law affords to the subjects of the king in legal controversies among themselves.

"There is in this country, however, no such thing as the petition of right, as there is no such thing as a kingly head to the nation, or to any of the States which compose it."

These considerations are conclusive that we are without authority to grant the prayer of the petition.

But further objection to our interference is to be found in the consideration that the entire subject is one pertaining to the political department of the government, and, therefore, is not cognizable by the judiciary. (*Mississippi v. Andrew Johnson*, 4 Wall., 475; *Georgia v. Stanton*, 6 id., 56.)

In the extended argument of the petitioner we were much pressed to give our views as to the constitutionality of this act of Congress, especially as it was stated that a former application by way of petition for a *quo warranto* had been dismissed by Judge Wallace, of the southern district of New York, upon technical grounds alone. We are not here to decide moot questions, where we are without jurisdiction to adjudicate. But in deciding the case, as we do upon points outside of the statute, it may be as well, to prevent the renewal of the question here in another form, to add that our refusal to decide upon the many objections raised to its validity in no degree arises from any doubts of the constitutionality of the act. We content ourselves

with citing the following language of the Supreme Court, in *U. S. v. Perkins* (116 U. S., p. 483), where the constitutionality of the statute was attacked:

"It is further urged that this restriction of the power of removal is an infringement of the constitutional prerogative of the executive, and so of no force, but absolutely void. Whether or not Congress can restrict the power of removal incident to the power of appointment of those officers who are appointed by the President, by and with the consent of the Senate, under the authority of the Constitution (article 2, section 2), does not arise in this case and need not be considered.

"We have no doubt that when Congress, by law, vests the appointment of inferior officers in the heads of departments, it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in congress to thus vest the appointment implied the authority to limit, restrict and regulate the removal by such laws as congress may enact in relation to the officers so appointed.

"The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of congress, and by such legislation he must be governed, not only in making appointments, but in all that is incident thereto."

The application is overruled and the petition is dismissed.

COMMON PLEAS, COMMONWEALTH OF PENNSYLVANIA.

(November 12, 1887 — *Weekly Notes of Cases*, vol. 20, page 315.)

THE COMMONWEALTH *ex rel.* ABRAMS *et al.* v. STOKLEY.

Upon a petition for a mandamus to reinstate a policeman discharged by the director of public safety, where it appeared that such policeman had been discharged without a compliance with P. L. 1885, page 41, providing that "No policeman or fireman shall be dismissed without his written consent, except by the decision of a court, either trial or inquiry," it was contended that such provision was in violation of article 6, section 4 of the Constitution of Pennsylvania, which provides as follows: "Appointed officers, other than judges of the courts of record and the superintendent of public instruction, may be removed at the pleasure of the power by which they shall have been appointed."

Held, that a policeman was not a public officer within the meaning of the term as used in the Constitution. It seems that a policeman can only be dismissed without his consent upon trial or inquiry as provided by P. L. 1885, above cited.

THE COURT.—The petitioner complains in this case that he has been discharged from the police force of the city of Philadelphia by the director of public safety, without a compliance with the provision of the act of Assembly, entitled “An act to provide for the better government of cities of the first class in the Commonwealth, approved the 1st day of June, A. D. 1885.” The particular provision which it is claimed has been violated will be found on page 41, P. L. 1885, under the caption of department of public safety, and is in the following words: “No policeman or fireman shall be dismissed without his written consent, except by the decision of a court either of trial or inquiry duly determined and certified in writing to the mayor, which court shall be composed of persons belonging to the police or fire force, equal or superior in official position therein to the accused. Such decision shall only be determined by trial of charges with plain specifications made by or lodged with the director of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person. The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor, and the person of highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses and to administer oaths to witnesses as is possessed by any justice of the peace of the Commonwealth.”

The answer of the director of public safety admits that the petitioner was discharged by him from the police force without a compliance with the provisions of the sections above referred to. It is, however, suggested on his behalf by the city solicitor that serious doubts are entertained as to the constitutionality of that section, inasmuch as it seems to violate the provisions of article 6, section 4, of the Constitution of Pennsylvania. The provisions of that section are as follows: “Appointed officers, other than judges of the courts of record and the superintendent of public instruction, may be removed at the pleasure of the power by which they shall have been appointed.” If a policeman of the city of Philadelphia is a “public officer” to whom this provision should be applied, the point is well taken.

In the case of *Houseman v. The Commonwealth* (100 P. S. R., 222) the question was raised whether the collector of delinquent taxes of the city of Philadelphia, under the act of March 24, 1870, P. L. 544, was a public officer liable to be removed from his office at the pleasure of the receiver of taxes. It was there held that the fact that he was a municipal officer, and not a State or county officer, did not exclude

him from that provision of the Constitution, if he would be otherwise included in it. As to the latter question, the court says: "If, departing from this line of reasoning, we inquire whether the office of the receiver of delinquent taxes in Philadelphia is a public office and brings its incumbent within the category of public officers, and as such amenable to removal, we think the law is equally clear. He is a receiver of taxes. The moneys which come to his hands are public moneys. A considerable part of them are collected for and are payable to the commonwealth under the statutes enacted specially for that purpose. No element of mere private trust pertains to his function. The sums he receives may be of much magnitude. He is the officer of a great municipal government, with an immense population and vast material interests. It would seem that such considerations sufficiently indicate the public character of his official position."

And in the case of the *Commonwealth v. Evans* (24 P. F. Sm., 124), it was held that, although the defendant was employed by the State only to perform a special service, he was a public officer. The court says: "But we are of opinion that all persons who, by authority of law, are entrusted with the receipt of public money, through whose hands money due to the public, or belonging to it, passes on its way to the public treasury, must be so considered, by whatever name or title they may be designated in the law authorizing their appointment, and whether the service be special or general, transient or permanent."

So, that in both of the cases cited to us, one of a municipal and the other of a State officer, the ground upon which they are decided to be "public officers" under the Constitution, was that they were the recipients of the money of the public. It is very clear that no policeman can be brought within this category. He is simply a ministerial officer, with no power to judge of the matter to be done, but bound to obey and carry out the mandates of a superior. His principal function is that of a peace officer, to maintain public tranquillity among the citizens. Like a fireman, he is employed by the municipality for the performance of duties of an entirely subordinate character, under one of the departments of the city government. His appointment and removal is therefore entirely subject, in our opinion, to legislative action, and is in no way restricted by the constitutional provisions suggested. He is not a "public officer" in the sense in which that term is used in the Constitution of Pennsylvania.

The mandamus prayed for in this case, as well as in the ten others involving the same question and argued at the same time, will issue.

Opinion by Biddle, J.

OPINION OF THE ATTORNEY-GENERAL OF NEW YORK.

The Superintendent of Public Works having been vested by the State Constitution (article 5, section 3) with discretionary power in the matter of appointments, this power can not be restricted by legislation, and appointments made by him of collectors of canal statistics are not controlled by the Civil Service Law and rules requiring appointment to be made from a list of names submitted by the Civil Service examiners.

STATE OF NEW YORK :

ATTORNEY-GENERAL'S OFFICE,
ALBANY, October 5, 1887. }

HON. ALFRED C. CHAPIN, *Comptroller* :

DEAR SIR.—I am in receipt of your communication of the thirteenth of September, stating that the Superintendent of Public Works has made a draft on the Comptroller for the amount of the salaries and expenses of the collectors of statistics, etc., for the month of August, 1887, accompanied by vouchers, among which are for Buffalo : Wm. W. O'Niel, collector ; John W. Eustis, clerk ; Samuel Abrams, clerk ; Chas. McDonough, clerk ; and asking me if in my opinion it is the duty of the Comptroller to allow and pay the amount of said draft, or whether he should disallow the amount of the four vouchers named.

Accompanying your request for an opinion is a communication addressed to you by the Civil Service Commission, of which the following is a copy :

"By order of the Civil Service Commission I am instructed to give you notice that on the eleventh of May last, the Hon. James Shanahan, Superintendent of Public Works, informed this Commission that he had made appointments temporarily to the vacancies caused by the resignation of the collector of statistics in Buffalo, and three of the assistants to the collector in that office. The Commission is advised that the officers so appointed were as follows : William C. O'Neill, collector ; Charles McDonough, assistant to collector ; John W. Eustis, assistant to collector ; Samuel Abrams, assistant to collector.

"That on the fifth of July, in accordance with the law and the civil service rules of the State of New York, I certified the following names to Mr. Shanahan, from which to make selections for regular appointment on probation, from an eligible list duly prepared: For collector, Charles F. Kingsley, D. T. O'Rielly. For collector's assistants or clerks, Elmer J. Helme, John C. Grezinger, Edwin Smith.

"The Commission has not been advised of any appointment by the Superintendent of Public Works from the names so certified, and the

Commission has reminded the superintendent that candidates deprived of the opportunity guaranteed to them by law and won by fair competition sustain a legal injury, for which they are entitled to redress, and that temporary appointees unnecessarily and illegally retained in office are not legally entitled to the salary or emoluments of such office.

"The Commission deem it proper that you should be advised of these facts so far as they relate to the payment of salaries under the provisions of the amended act to regulate and improve the Civil Service of the State, with the execution of which the Commission is charged.

"Very respectfully yours.

CLARENCE B. ANGLE,

Secretary."

The Civil Service Act (chapter 354 of the Laws of 1883) authorizes the Governor to appoint three Civil Service Commissioners, and provides that it shall be the duty of the Commissioners to "aid the Governor, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated, it shall be the duty of all officers of the State of New York, in the departments and offices to which any such rules may relate, to aid, in all proper ways, in carrying said rules and any modifications thereof into effect.

"And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

1. "For open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. * * *

2. "All the offices, places and employments so arranged or to be arranged in classes shall be filled by selections from among those graded highest as the results of such competitive examinations.

7. "There shall be non-competitive examinations when competition may not be found practical.

6. "Within four months after the expiration of the present session of the Legislature it shall be the duty of the Governor to cause to be arranged, in classes, the several clerks and persons employed, or being in the public service, for the purposes of the examination herein provided, and he shall include in one or more of such classes, so far as practicable, all subordinate places, clerks and officers in the public service of the State."

7. "After the termination of eight months from the expiration of the present session of the Legislature, no officer or clerk shall be

appointed, and no person shall be admitted to, or be promoted, in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith."

The substance of these provisions is that the Governor shall appoint commissioners to aid him in the preparation of rules governing the appointment of subordinate officers, and such rules must provide for competitive and non-competitive examinations of persons seeking appointment in the public service.

Where competitive examinations are prescribed, appointments must be made from those graded highest. In conformity with the power and duty thus imposed upon the Governor, commissioners were duly appointed, rules have been prescribed, and the offices and places in the public service arranged in classes.

Among such rules those applicable to the question under consideration are as follows:

Rule 4. For the purpose of indicating the manner in which selections shall be made for filling the positions in the Civil Service, when vacant, such positions shall be enrolled by class, subdivision, grade or name in some one of the five schedules designated respectively as A, B, C, D and E.

Rule 5. Schedule A shall include the deputies of principal officers, duly authorized by law to act for their principals; all officers, clerks and others whose official relations are necessarily strictly confidential to the head of the office in which they serve; officers or others under official bonds as security for the collection, custody or disbursement of public money, or who, by virtue of their position, have the custody of public moneys for the safe-keeping of which any officer must give bonds, and such other positions as may now or hereafter be included in this schedule, according to law, and such schedule shall comprise the following positions:

Then follows a list of the positions contained in Schedule A, which list does not include the positions in question.

Rule 6 provides that appointments to positions comprised in Schedule A may be made without examination under these rules.

Rule 7. Schedule B shall include the following :

CLASS I.

Collectors of statistics and clerks in the Department of Public Works. (See classification of Civil Service, class 4.)

All clerks and other persons of whatever designation rendering services similar to those of clerks in any branch of the State service.

Rule 8. Appointments shall be made or employment shall be given in the positions in Schedule B by selection from those persons graded highest as the results of open competitive examinations.

Rule 17. Whenever an officer having the power of appointment to or employment in any grade or subdivision in this schedule shall so request, the Commission shall certify to him the names of three eligible persons who are graded highest on the proper register, indicating such of them (if any) as have been honorably discharged from the military or naval service of the United States in the late war.

2. From the three persons whose names are so certified the officer shall make a selection to fill the vacant place.

It appears from these provisions of the statute and rules adopted, that the positions in question are contained in Schedule B, and the persons filling them must be chosen from three names submitted by the Civil Service Commission from those graded highest after a competitive examination.

The effect of this statute and rules is to take away from the officer making the appointment the right of a free and untrammelled choice of a person to fill the position, and to leave it in the power of any person to procure the appointment upon complying with the provisions of the Civil Service Law and rules after having passed a competitive examination.

The question to be determined, therefore, is whether, in view of section 3 of article 5 of the State Constitution, providing for the appointment of the Superintendent of Public Works, the Legislature has the power to authorize the Civil Service Commission to make rules by which that officer was to be guided or restrained in the choice of his subordinates.

Said section provides as follows: "A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified.

"He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals * * * The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law * * * All other persons employed in the care and management of the canals, except collectors of tolls and

those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension and removal by him * * *

This is the only section in the Constitution relating to public officers which vests in such officers the power to appoint their subordinates, or which in any way alludes to or recognizes the necessity of subordinates or assistants, with the exception of section 4 of article 5, which authorizes the Superintendent of State Prisons to appoint the agents, wardens, physicians and chaplains of the prisons, and other subordinates by the Comptroller or agent and warden; and section 2 of article 6, which authorizes the Court of Appeals to appoint its reporter, clerk and attendants.

With the exceptions above noted the entire number of positions in the State service, excepting of the heads of constitutional offices, are the creatures of the Legislature, and naturally are within legislative control as to fitness, manner of appointment, etc.

The office of Superintendent of Public Works, however, is one of the exceptions, and he is authorized by the Constitution to appoint all persons employed in the care and management of the canals, except collectors of tolls and persons in the State Engineer's department, and to remove and suspend them.

There is no constitutional limitation upon this power. It is granted in the broadest terms, terms which do not declare a permissive power, but which create a positive duty. It is one of the duties, therefore, of the superintendent to make these appointments, and one of the duties for the faithful discharge of which the Constitution requires him to give security.

There can be no doubt that this power of appointment in this particular instance is very materially curtailed, if not substantially overridden, by the rules adopted by the Civil Service Commission, for it will be borne in mind that the rules require competitive examinations, and where competitive examinations are required appointments must be made by a choice from the names submitted to the appointing power by the Commission.

The Civil Service Commissioners submit three names of those passing the best examination and graded the highest, from which a choice must be made, and if there are not three who pass at a certain percentage, then a less number is certified to the appointing power, from which a choice must be made, and thus the appointing power may be compelled to take the name submitted if only one person passes the required examination. This was actually the case in reference to the appointments under consideration. A collector and three

clerks were to be appointed for the purpose of collecting the canal statistics. The Commission certified the names of two persons for the position of collector and one person for each of the clerkships. This certainly takes away from the superintendent a large portion of, if not all, discretionary power of selection and appointment, and substitutes the discretion of the chief examiner and the Civil Service Commission, inasmuch as they pass upon the qualification and fitness of the applicants. Thus the right of appointment which the Constitution vested in the Superintendent of Public Works is robbed of all discretionary power and converted into a simple physical or manual act. The Civil Service Commission furnishes the mental and the Superintendent of Public Works the physical force.

When the Constitution gave to the superintendent the care and management of the canals, and said all persons employed in the care and management of the canals shall be appointed by him, and required him to give "security for the faithful execution of his office," something more was meant than mere physical force in the case of appointments. The Constitution contemplated the exercise of care, judgment and discretion in the appointment of assistants to the same extent that it contemplated the exercise of like qualities in the execution of the other powers granted to the superintendent.

While it is the general theory and aim of the Civil Service Law to procure a better and more efficient class of persons to fill the subordinate public positions, by prescribing educational qualifications, in this particular case the rules have gone much further. Were non-competitive examinations prescribed, the superintendent would still be left some discretion in the matter, and could send in the names of persons he considered otherwise qualified, for the purpose of ascertaining if they possessed the qualifications required by the Civil Service act. But under the rules, as they stand, the Superintendent of Public Works has no discretion but to choose from the names submitted to him.

The question therefore, whether the Legislature has power to prescribe qualifications not required by the Constitution does not come in question. But under the rules adopted there appears to be a diminution by legislation of a power granted to an officer by the Constitution. It may be claimed that the superintendent is not deprived of the power to appoint, but the class from which the appointee is to be taken is lessened. Instead of having the whole body of citizens to appoint from, the Legislature may very properly say, in cases where the Constitution does not stand in the way, that a choice shall be

made from a particular class of persons, viz.: Those possessing certain educational qualifications.

The question whether in cases where the power of appointment is given to a public officer by the Constitution, the exercise of that power may be regulated by the Legislature in respect to the qualifications of the appointees, has been considered by the Civil Service Commission, and they have decided in the affirmative, but I find no instance in which they have considered the question in reference to competitive examinations.

This grant of power to the Superintendent of Public Works should be construed in the ordinary sense and in such a manner as to carry with it all the necessary incidents to its proper exercise. The construction should not be narrow. (*Gibbons v. Ogden*, 9 Wheaton, 183.)

Although the courts will go to great lengths in upholding legislation, still where there is a clear incompatibility between a constitutional provision and a statute, the courts will not hesitate to declare such a statute void.

The case of the People of the State of New York *ex rel.* John McEwan v. William H. Keeler, 29 Hun, 175, is analogous to the question we are now considering, in so far as it shows that the courts will not uphold statutes which deprive constitutional officers of any of the powers conferred upon them by the Constitution or suffer the impairment of any such powers by legislation. The Legislature passed chapter 251 of the Laws of 1882, which provides that the Albany county penitentiary should thereafter be the county jail of Albany county, and required the sheriff to remove the prisoners from the building, then occupied as a jail, to the penitentiary. It made the superintendent of the penitentiary, who was appointed by the board of supervisors of Albany county, the jailor; gave him the custody and control of all persons confined therein and required him to convey them to or from the jail when necessary. It was held that, in so far as the act deprived the sheriff of the custody and control of the jail, and the prisoners therein, and gave such custody and control to the superintendent of the penitentiary, it deprived the sheriff of common law powers and duties pertaining to his office and violated the provisions of section 1, article 10 of the Constitution, requiring the sheriff to be chosen by the people. The court says "the Constitution does not permit the Legislature to evade its provisions by taking away the powers and duties of an officer made elective by that instrument and giving them to some appointee."

Although the duties of sheriffs are not specially declared in the Constitution, still, in this case, the court has refused to give force to a statute which transfers the common law powers to a different officer, and recognizes and gives force to an implied investiture of power by the Constitution and denies the right of the Legislature to transfer this implied power.

In the case under consideration the power of the superintendent to appoint subordinates is an express and well-defined one.

The case of the *People v. James H. Raymond* (37 N. Y., 428) held that chapter 410 of the Laws of 1867, which vested the appointment of a commissioner of taxes of the city of New York in the Governor and Senate, was in contravention of section 2, article 10 of the Constitution, which declares that "all city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns or villages, or of some division thereof, or appointed by such authorities thereof as the Legislature shall designate for that purpose." The court refused to allow the Legislature to empower any other authorities to make the appointment than those mentioned in the Constitution.

The case of the *People ex rel. Edward Bolton et al. v. John P. Albertson, Comptroller, etc.* (55 N. Y., 51), contains the leading principles which should govern in construing the section of the Constitution in question.

"A written constitution," says Judge Allen, "must be interpreted and effect given to it as the paramount law of the land, equally obligatory upon the Legislature as upon other departments of government and individual citizens, according to its spirit and the intent of its framers, as indicated by its terms. An act violating the true intent and meaning of the instrument, although not within the letter, is as much within the purview and effect of a prohibition as within the strict letter; and an act in evasion of the terms of the Constitution as properly interpreted and understood, and frustrating its general and clearly expressed or necessarily implied purpose, is as clearly void as if in express terms forbidden. A thing within the intent of a constitutional or statutory enactment is for all purposes to be regarded as within the words and terms of the law. A written constitution would be of little avail as a practical and useful restraint upon the different departments of government if a literal reading only was to be given it, to the exclusion of all necessary implication, and the clear intent ignored, and slight evasions or acts palpably in evasion of its spirit should be sustained as not repugnant to it."

Applying this rule as a guide in construing the language used in granting the power of appointment to the superintendent, it can hardly be said that it was the intention of the framers of the Constitution or the persons adopting it, that he should exercise this power as a mechanical act without using judgment or discretion. It will be observed by reading the section that in all cases where control over the superintendent's action or powers is desired to be retained by the Legislature, words of limitation are used and a reserved power is retained. For example, "subject to the control of the Legislature he shall make the rules and regulations for the navigation or use of the canals." Again: "The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature." As hereinbefore stated, there is no reserved power in the Legislature in reference to appointment and no words of limitation.

There is another section of the same article of the Constitution which is well to mention in reference to the question, in order that the whole matter may be now disposed of so far as the Constitution is concerned. I refer to section 6, which provides that "the powers and duties of the respective boards and of the several officers in this article mentioned shall be such as now are or hereafter may be prescribed by law."

This section would appear to be a general reservation of power by the Legislature over all the powers and duties of the Superintendent of Public Works conferred by section 3.

Section 3, however, was adopted in 1876, and section 6 long previous to that time, so that if there are any provisions in the two sections which are inconsistent, the provisions of section 3 must control.

There appears to be no statute which specially creates by name the office of collector of statistics. Section 7 of title 5, article 4, chapter 5 of part 1 of the Revised Statutes provides "that collectors of canal tolls shall be appointed by the canal board, and shall hold their office for one year, but may be removed at any time by such board." The powers and duties of the collectors were regulated by statute, the nature of which probably necessitated the ascertainment of the tonnage, etc.

By chapter 165 of the Laws of 1883 the office of collector of canal tolls was abolished, and it was provided that any work theretofore performed by any of the said officers, and which was thereafter to be required, should be performed by the persons employed by the Superintendent of Public Works in the care and management of the canals.

By chapter 244 of the Laws of 1883 the Superintendent of Public Works is directed to annually, on or before the fifteenth day of February in each year, report to the Legislature the trade and tonnage carried or transported upon the canals of the State during the preceding season of navigation. And it is made the duty of every master of any boat, or of the person in charge of the same, "upon the request of any person designated by said Superintendent of Public Works, to gather the statistics required to be reported," to deliver to such person a true bill of the quantity and description of the lading of such boat.

It is evident from these provisions that the persons designated to receive this information, commonly known as collectors of canal statistics, are properly appointed by the Superintendent of Public Works, and are not among the excepted class of persons mentioned in section 3 of article 5 of the Constitution.

In view, therefore, of all the circumstances, and by reason of the constitutional provisions and decisions of the court hereinbefore set forth, I am constrained to the opinion that the appointment of the collector of canal statistics and his assistants were valid appointments, and that such appointments are not controlled by the Civil Service law and rules adopted thereunder, requiring the appointments to be made from a list of names submitted by the Civil Service Commission.

I do not desire to be understood as holding or expressing the opinion that the Legislature has not the power to prescribe educational qualifications for the appointees to the positions in question, or that such appointments would not be within the Civil Service law if non-competitive instead of competitive examinations were required. That is a question which I have not considered, and which, as before stated, does not necessarily arise in the present case.

Very respectfully,

Your obedient servant.

(Signed,)

DENIS O'BRIEN,
Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF NEW YORK.

Chapter 312, Laws of 1884, amended by chapter 464, Laws of 1887, giving a preference to honorably discharged soldiers and sailors, applies only to soldiers and sailors who served in and who have been honorably discharged from the forces engaged in suppressing the late rebellion.

STATE OF NEW YORK:

OFFICE OF THE ATTORNEY-GENERAL,
ALBANY, January 19, 1888. }

CLARENCE B. ANGLE, Esq.,

Secretary Civil Service Commission:

DEAR SIR.—I am in receipt of the following resolution from your board, viz.:

“*Resolved*, That the Attorney-General be respectfully requested to advise this Commission whether the statutes giving a preference to honorably discharged soldiers for appointments to office under the Civil Service acts, are confined to honorably discharged soldiers of the late war (1861 to 1865), or whether in his opinion such statutes embrace all honorably discharged soldiers.”

In compliance with said resolution I beg leave to submit the following:

The first act upon this subject was chapter 312 of the Laws of 1884, which was amended by chapter 464 of the Laws of 1887, and as amended, reads as follows:

“In every public department and upon all public works of the State of New York, and of the cities, towns and villages thereof, and also in non-competitive examinations under the Civil Service laws, rules or regulations of the same wherever they apply, honorably discharged union soldiers and sailors shall be preferred for appointment and employment; age, loss of limb or other physical impairment which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved.”

“§ 2. All officials or other persons having power of appointment to, or employment in the public service, as set forth in the first section of this act, are charged with a faithful compliance with its terms, both in letter and spirit, and a failure therein shall be a misdemeanor.”

The next statute was chapter 410 of the Laws of 1884, entitled “An act to amend chapter 354 of the Laws of 1883, entitled ‘An act to regulate and improve the Civil Service of the State of New York,’” section 4 of which provides that “In grateful recognition of the

services, sacrifices and sufferings of persons who served in the army or navy of the United States in the late war and have been honorably discharged therefrom, they shall be preferred for appointment to positions in the Civil Service of the State and of the cities affected by this act, over other persons (of equal standing) as ascertained under this act and the act hereby amended, and the persons thus preferred shall not be disqualified from holding any position in said Civil Service on account of his age nor by reason of any physical disability, provided such disability does not render him incompetent to perform the duties of the position applied for."

This act, by its express terms, only applies to soldiers of the late war, which term is generally understood to mean the rebellion of the Southern States, which occurred from 1861 to 1865.

The act first hereinbefore set forth, it is true, does not designate any particular war, nor any war at all, in which the discharged soldiers are required to have served, but only speaks of "honorably discharged Union soldiers and sailors."

There is now, strictly speaking, no Union army. It is the United States army.

The only period in the history of the country when there was a Union army was during the rebellion of the Southern States. The army at that time consisted of volunteers and regulars, and it was designated Union army to indicate the purposes for which it was supposed to be fighting—to save and preserve the Union of the States.

I think the term has a well-defined and generally understood meaning, and the Legislature intended to use it in accordance with such meaning.

The second section of the act of 1887, requiring a compliance with its terms, "both in letter and spirit," favors such a construction, inasmuch as the term "Union army" itself means the army engaged in the late rebellion, and such a construction is strictly within the letter of the statute and certainly is within its spirit, and it is not to be presumed that the Legislature intended to give preference to soldiers of the present army.

The same facts and reasoning applicable to Union soldiers are equally applicable to Union sailors.

I am of the opinion, therefore, that only soldiers and sailors who served in and who have been honorably discharged from forces engaged in suppressing the late rebellion are included within the statutes.

Very respectfully.

CHARLES F. TABOR,

Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF NEW YORK.

The stenographer of the Board of Claims should be placed in the same schedule, class and subdivision in the Civil Service as stenographers of courts of record.

STATE OF NEW YORK:

OFFICE OF THE ATTORNEY-GENERAL, }
ALBANY, *February 22, 1888.* }

E. M. HOLBROOK, Esq.,

Clerk of the Board of Claims :

DEAR SIR.—Your communication of the twenty-first instant, asking me if in my opinion the stenographer of the Board of Claims should be placed in Schedule "C," class 3, subdivision 1 of the rules and regulations of the Civil Service Commissioners with that of stenographers of courts has been duly received.

In reply thereto, I beg leave to state that inasmuch as the Board of Claims performs all the functions and possesses the attributes of a court; conducts trials in the same manner, is governed by the same rules of law, and is recognized by the Legislature and Court of Appeals as a court in fact, though technically not perhaps in name; and inasmuch as the duties of the stenographer are identical with those of stenographers of courts generally, such a stenographer should, in my opinion, be placed in the same schedule, class and subdivision in the Civil Service that stenographers of courts are placed.

Very respectfully,

Your obedient servant.

CHARLES F. TABOR,
Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF NEW YORK.

The commissioners constituting the board of electrical control, created under chapter 534, Laws of 1884, chapter 499, Laws of 1885, and chapter 503, Laws of 1886, are State officers.

STATE OF NEW YORK :

OFFICE OF THE ATTORNEY-GENERAL, }
ALBANY, *March 14, 1888.* }

CLARENCE B. ANGLE, Esq.,

Secretary Civil Service Commission, Albany, N. Y. :

DEAR SIR.—I am in receipt of the resolution passed by the Board of Civil Service Commissioners, of which the following is a copy, viz. :

"*Resolved*, That this board having received a communication under date of March first instant, from Henry E. Barton, an applicant who

asks to be examined for the position of clerk in the office of the board of electrical control, and this board having some doubts as to its jurisdiction in the matter, the opinion of the Attorney-General is respectfully requested as to whether the board of electrical control are State or municipal officers."

In reply thereto I beg leave to submit the following :

The line of distinction between State and municipal county or local officers has never been clearly drawn and well defined, and as the question has generally only incidentally arisen in most of the cases where it has been discussed by the courts, there appears to be no settled rule or principle upon which to base a conclusion ; indeed, it may be stated, I think, that each case as it arises will depend upon its own peculiar facts and circumstances.

It will be necessary, therefore, to examine the statute creating the office in reference to its general scope and application, the object sought to be obtained, and all its incidents and intendments in order to apply thereto what scraps of general principle may be found before we can arrive at anything like a satisfactory conclusion.

The first act upon the subject was chapter 534 of the Laws of 1884, which is entitled "An act in relation to telegraph and electric light companies in cities of this State."

It provides "that all telegraph, telephone and electric light wires and cables used in any incorporated city of the State, having a population of five hundred thousand shall hereafter be placed under the surface of the streets, lanes and avenues of said city." Every corporation or person owning or controlling such wires was directed to have the same removed from the streets and placed under ground on or before the 1st of November, 1888.

In the event of the failure of the owners to remove said wires, the city authorities were directed to remove them without delay.

The cities were forbidden to grant any exclusive privilege or franchise under the act to any corporation or individual by which a monopoly might be created or competition prevented on equal terms.

This was a general and not a local act. A law relating to particular persons or things as a class is general, while one relating to particular persons or things of a class is local. This act relates to a class as a whole, and not to any particular elements of such class. The class consists of every city in the State having a population of over 500,000, and under the authority of the "Matter of the application of Church" (92 N. Y., 1), is not a local but a general act. We have, therefore, a general act directing a general public improvement in cities within the State.

The next act upon the subject was chapter 499 of the Laws of 1885, entitled "An act providing for placing electrical conductors underground in cities of this State, and for commissioners of electrical subways."

Section 1 provides that "within twenty days after the passage of this act, in any city of this State having, according to the last census, a population exceeding 500,000 and less than 1,000,000, the mayor of such city is hereby authorized and directed to appoint, and in cities having a population exceeding 1,000,000, the mayor, comptroller and commissioner of public works of such cities, are hereby authorized and directed to appoint three disinterested persons, residents of the respective cities for which they shall be appointed, to be a board of commissioners of electrical subways. Such board shall meet as soon as practicable after such appointment." * * *

§ 2. The said board of commissioners is hereby charged with the responsibility of enforcing the provisions of an act entitled "An act in relation to telegraph and electric light companies in cities of this State," passed June 14, 1884, as amended (the act hereinbefore referred to); and the said act is hereby amended and made to conform in all respects to the provisions of this act, and it is hereby made the duty of the board of commissioners to cause to be removed from the surface and put, maintained and operated underground wherever practicable all electrical wires or cables used or to be used in the business of any such company in any street, avenue or other highway in any such city, so as to enable and require all duly authorized companies operating or intending to operate electrical conductors in any street, avenue or highway of any such city as is or shall be affected by the provisions of said act, to transact their business with underground conductors wherever practicable.

Section 5 directs the course to be pursued by the commissioners in granting permits for aerial lines.

Section 6 provides for the term of office of the commissioners and that they may be removed by the Governor upon an opportunity of being heard.

Section 7, as amended by chapter 503, Laws of 1886, provides that the salaries of each of the commissioners in cities of more than 1,000,000 of inhabitants shall be \$5,000 a year, payable quarterly by the Comptroller of this State, who shall also audit and pay quarterly all necessary and incidental expenses of each of such boards of commissioners; the amount of said salaries and expenses to be collected by said comptroller from the different companies owning and using wires, etc.; in said cities.

Section 8, as amended by said act of 1886, makes it the duty of the different companies to furnish the Comptroller with proper figures, data, etc., upon which to base a calculation and determine the proportion and just amount of such salaries and expenses that should be paid by said companies.

Section 9 requires all maps, books, papers, etc., of the commissioners relative to the electrical conductors to be filed in the office of the mayor.

The next and last act upon the subject is chapter 716 of the Laws of 1887, which adds the mayor, for the time being, to such commission, and continues its existence; provides for the removal of the commissioners (except the mayor) by the Governor only; gives the Governor power to fill vacancies in the board (except the mayor).

Section 5 provides that, after November 1, 1890, all the powers and duties of said board shall be transferred to the commissioners of the sinking fund.

It is unnecessary to notice further the provisions of the act, as they have no particular bearing upon the question.

It will be perceived by an examination of the above statutes that they are general acts, providing for general improvements in a certain class of cities. The nature of the improvements is public and not strictly private in the sense that the city of New York alone has a direct pecuniary interest in the performance of the work, and that the improvement contemplated and provided for by the act has a purely local or special interest to that city. The general policy of the act and object sought to be obtained are the betterment of the streets and highways in cities. To clear highways from incumbrances is a proper exercise of legislative authority, and indeed a subject with which the Legislature is directly concerned. *People v. Kerr*, 27 N. Y., 188, held that so far as public rights in streets are concerned, such as the right of passage and travel over them as common highways, the Legislature has supreme control over them.

It can not be said, therefore, that the duties imposed upon these officials relate to corporate powers confined to the city of New York, or that the members of the corporation of said city alone are interested in the proper performance of them. The people of the State at large are interested in the safety and condition of the streets and highways in all the cities in the State. The corporation of New York city is given no power under the acts to control the commission in the discharge of their duties. It can not remove them. They are independent of the corporation as to the tenure of their office. They are paid by the State and are removable by the Governor. The fact that their

appointment was made by the local authorities, and that the mayor was joined with them, has no influence upon the question. (63 How. Pr., 104; 62 N. Y., 160, 170; *Heiser v. The Mayor, etc.*, 104 N. Y.)

The case of *People ex rel. Ryan v. Civil Service Commissioners*, decided by Judge Lawrence and reported in 17 Abb. N. C., 64, which holds that the aqueduct commissioners of the city of New York are officers of that city, proceeds upon the ground that the work to be performed and improvement provided for, is for the especial benefit of the corporation as a corporate body, a city work and one for the peculiar pecuniary benefit of the city. The act authorizing aqueduct improvement and appointing the commissioners is very different in its provisions as well as its purposes from the act creating the electrical subway commissioners, so that I do not think the case applicable to or decisive of the present question.

From an examination of the statute and the authorities bearing upon the question, I am inclined to the opinion, therefore, that the commissioners referred to are State officers in the sense that they are the agents of the State rather than of the city of New York.

Very respectfully

Your obedient servant.

CHARLES F. TABOR,

Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF NEW YORK.

The Civil Service Law does not make it the duty of the Civil Service Commission to enforce the claims of one asserting a right to an appointment as a veteran entitled to preference under chapter 464, Laws of 1887, but the act renders it a misdemeanor for an official to wrongfully refuse compliance with its provisions, and such claimant should be left to the enforcement of his legal remedy.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE,

ALBANY, May 2, 1888. }

CLARENCE B. ANGLE, Esq.,

Secretary Civil Service Commission:

DEAR SIR.—Your communication of the thirtieth ultimo, requesting me to write an opinion for Captain Cocheu, has been received.

From the papers inclosed it appears that Captain Cocheu applied to James D. Bell, police and excise commissioner of the city of

Brooklyn, for the appointment to the position of deputy, claiming the appointment as a matter of right upon the ground that he was a veteran and entitled to preference under chapter 464 of the Laws of 1887. Mr. Bell, it appears, refused to appoint Captain Cocheu, who now lays the whole matter before the Civil Service Commission of the State, asking for their assistance. The Civil Service Commission requests the Attorney-General to write an opinion to Captain Cocheu upon the question as to whether or not, under the facts as laid before the Commissioners, he was entitled to the appointment applied for under said act of 1887.

I find nothing in the Civil Service Law which makes it the duty of the Civil Service Commission to actually undertake the enforcement of the claims of Mr. Cocheu. Nor do I think it properly comes within the jurisdiction of the Attorney-General.

The act of 1887 makes it a misdemeanor for an official to wrongfully refuse compliance with its provisions, and if Captain Cocheu considers himself aggrieved and entitled to the position it is for him to institute such proceedings as will bring the question properly before the court, in order that an authoritative decision, and one capable of being enforced, may be obtained.

An opinion from the Attorney-General would have no binding force, would afford Captain Cocheu no relief were it in his favor, and would be no protection to Mr. Bell should it uphold him in his refusal to appoint Captain Cocheu. Nor do I think it proper for the Attorney-General to write an opinion for a private person, involving the legality of the official action of a public officer, in a matter in which such private person is attempting to enforce what he considers a private right.

In the event of Captain Cocheu commencing legal proceedings against Mr. Bell, I, as Attorney-General, would not be called upon to defend Mr. Bell. This duty would probably devolve upon the corporation counsel, and an opinion from me, therefore, might only lead to embarrassment and would perhaps be looked upon as an unwarranted interference with matters entirely outside of the official duties of the Attorney-General.

I do not think, therefore, I should write an opinion for Captain Cocheu, but that he should be left to pursue his remedy in the ordinary way.

Very respectfully

Your obedient servant.

CHARLES F. TABOR,
Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF NEW YORK.

A surrogate is in the official service of the State and is therefore not entitled to compensation under section 3 of the Civil Service Law for acting as an examiner under the Civil Service Commission.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE,
ALBANY, May 3, 1888. }

CLARENCE B. ANGLE, Esq.,

Secretary Civil Service Commission:

DEAR SIR.—In reply to your question as to whether or not, in my opinion, Hon. John D. Teller, surrogate of Cayuga county, is entitled to compensation for acting as examiner under the Civil Service Commission, I beg leave to submit the following:

The Civil Service Law contains the following provision at section 3: * * * "The Commission may, at Albany, and in any other part of the State where examinations are to take place, designate and select a suitable number of persons in the official service of the State of New York, * * * or in its discretion, persons not in the official service, to be members of boards of examiners, and may at any time substitute any other person in or out of such service in place of any one so selected.

"Any person not at the time in the official service of the State, or of any political division thereof, serving as a member of the board of examiners, shall be entitled to compensation for every day actually and necessarily spent in the discharge of his duty as examiner, at the rate of five dollars a day, but the aggregate compensation of any such examiner shall not exceed one hundred dollars in any one year."

It is claimed by Mr. Teller that, notwithstanding the fact, that at the time of acting as examiner he was surrogate of the county of Cayuga, he is, nevertheless, entitled to compensation upon the ground that a surrogate is not in the "official service of the State, or of any political division thereof," but a part of the judicial system of the State.

The cases cited by Mr. Teller as upholding this view of the question are: *Quinn v. Mayor, etc.*, 53 N. Y., 627; *Whitmore v. Mayor* 67 id., 21. The first of these cases adopted the opinion of the court below, which opinion concerns the civil justices of the district courts in the city of New York, and simply holds that such justices are not attached to any of the departments of the city government, and are not officers or employés of any of those departments. I fail to discover anything in that case holding that such justices are neither in the

“official service of the State nor any political division thereof,” or from which it can be deduced by analogy that a surrogate is not in such service.

The other case is similar in principle and holds that the clerks of the justices are not officers of the city government. But the case does not hold that the clerks are not in “official service.”

The court distinctly holds, however, that such a clerk is an officer, “a judicial officer.”

By the Civil Service Law above quoted, compensation is only allowed to persons not in the official service of the State, or any part thereof. A person who is concededly an officer of the State, or a portion thereof, is I presume in official service. If a surrogate is not an officer, I do not know how to classify him.

Chief Justice Hunt, in *Smith v. The Mayor, etc.* (37 N. Y., 521), describes an office as follow: “An office is simply an appointment or authority on behalf of the government to perform certain duties usually at or for a certain compensation.”

A surrogate is designated an “officer” by the Constitution, section 15, article 6. Under the statute it is immaterial whether the surrogate is an officer of the State or of a political division thereof; it is enough if he is in the “official service” of either.

I am of the opinion, therefore, that a surrogate is an officer; that being an officer, the duties pertaining to his office are official duties, and while performing official duties, he is in the official service of the State, or of a political division thereof, and is not, therefore, entitled to compensation for acting as Civil Service examiner.

Very respectfully

Your obedient servant.

CHARLES F. TABOR,
Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF THE UNITED STATES.

Under the act of March 3, 1871, the test of a competitive examination for admission to the Civil Service of the United States may be resorted to in order to inform the conscience of the appointing power, but can not be made legally conclusive upon that power against its own judgment and will.

Under the act cited, the President may regulate the exercise of the appointing power now vested in the heads of departments, or in the courts of law, so as to restrict appointments to a class of persons whose qualifications or fitness shall have been determined by an examination instituted independent of the appointing power.

OPINION OF ATTORNEY-GENERAL AKERMAN ON QUESTIONS PRO-
POUNDED BY THE CIVIL SERVICE COMMISSION.DEPARTMENT OF JUSTICE,
WASHINGTON, August 31, 1871. }*The President:*

SIR.—You have called for my opinion upon certain questions presented by the body known as the Civil Service Commission.

The Commission has been appointed under the ninth section of the act of March 3, 1871, making appropriations for sundry civil expenses of the government for the year ending June 30, 1872, and for other purposes, which is as follows:

That the President of the United States be and he is hereby authorized to prescribe such rules and regulations for the admission of persons into the Civil Service of the United States as will best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge and ability for the branch of service into which he seeks to enter; and for this purpose the President is authorized to employ suitable persons to conduct said inquiries, to prescribe their duties, and to establish regulations for the conduct of persons who may receive appointments in the Civil Service. (16 U. S. Stat., 514.)

The Commission had under consideration the following resolution :

Resolved, That we recommend to the President that all admissions to the Civil Service of the United States, with such exceptions as may be specified, shall be determined by a competitive examination, open to all applicants who shall have satisfied such preliminary examination in regard to health, age, character and other qualifications, excepting political and religious opinions, as may be required.

The objection was made that the designation of a single person for appointment by a board not established by the constitutional appointing power would virtually vest the appointment in a body unknown to the Constitution. My opinion is asked upon the validity of this objection.

I suppose that the inquiry relates only to those public employments known as offices ; for no one could seriously contend that there is a constitutional limit to the discretion of Congress in prescribing the terms of admission to such public employments as do not come within this description. I suppose, also, that the phrase *civil service* is used in distinction from the military and naval service.

The objection is substantially this : That a rule, whether prescribed by Congress, or by the President in pursuance of authority given by

Congress, that a vacant civil office must be given to the person who is found to stand foremost in a competitive examination, in effect makes the judges in that examination the appointing power to that office, and thus contravenes the constitutional provisions on the subject of appointments.

The civil officers with reference to whom this question should be considered are these : The officers (except the Speaker) of the House of Representatives, the officers (except the President *pro tempore*) of the Senate ; these by article 1 of the Constitution, sections 2 and 3, are to be chosen by the bodies which they serve ; ambassadors, other public ministers and consuls, and judges of the Supreme Court, who are appointed by the President after nomination to the Senate, and with the advice and consent of that body ; and all other officers of the United States who are to be appointed by the the President under the same conditions, except inferior officers, who, when Congress thinks proper, may be appointed by the President alone, the courts of law, or the heads of departments. (Art. 2, sec. 2.) It was the opinion of Chief Justice Marshall that these provisions covered all the offices of the United States. (Maurice v. The United States, 2 Brockenborough's Rep., 101.) And these provisions must be construed as excluding all other modes of appointment. The Senate and House of Representatives are to "choose" their respective officers. The President (with or without the consent of the Senate), the courts of law, and the heads of departments "appoint" all the other officers. These words *choose* and *appoint*, as used in the Constitution, are of the same signification.

Confining my attention, for the sake of brevity, to the latter word, I ask what does it mean ? If to appoint is merely to do a formal act ; that is, merely to authenticate a selection not made by the appointing power, then there is no constitutional objection to the designation of officers by a competitive examination, or any other mode of selection which Congress may prescribe or authorize. But if appointment implies an exercise of judgment and will, the officer must be selected according to the judgment and will of the person or body in whom the appointing power is vested by the Constitution ; and a mode of selection which gives no room for the exercise of that judgment and will is inadmissible. If the President, in appointing a marshal, if the Senate in appointing its secretary, if a court or head of department in appointing a clerk, must take the individual whom a Civil Service Board adjudge to have proved himself the fittest by the test of a competitive examination, the will and judgment which determine that appointment are not the will and judgment of

the President, of the Senate, of the court, or of the head of a department, but are the will and judgment of the Civil Service Board, and that board is virtually the appointing power. Viewing the appointing power conferred in the Constitution as a substantial, and not merely a nominal function, I can not but believe that the judgment and will of the constitutional depository of that power should be exercised in every appointment. The power was lodged where it is because the makers of the Constitution, after careful consideration, thought that in no other depositaries of it could the judgment and will to make proper appointments so certainly be found. They assigned it to functionaries who were expected to have an adequate knowledge of men and of affairs, to have capacity for public business, and to feel responsible to conscience and to the opinion of good citizens. As a further security, they placed the power in the hands of those who would have a particular interest in using it well. If a legislative body is ill-officered, the members can not do their work with ease or advantage; therefore, each branch of Congress chooses its officers. Without efficient servitors, a court of law is impotent; therefore, Congress may vest appointments in courts. The first need of the head of a department is a body of capable and trusty assistants; therefore, Congress may vest appointments in the heads of departments. In all cases not thus provided for, the appointment is with the President, whose success in his weighty charge essentially depends on the competency of the appointees. Thus the reasons for the constitutional provision all forbid that any judgment and will but those of the constitutional appointing power should have legal operation in the matter of the appointment.

The most important civil appointments are made by the President, with the advice and consent of the Senate. If Congress can compel the President to nominate a person selected by others, it can compel the Senate to advise and consent to that nomination. If the foremost man in the competitive test is entitled to the office, that test must be conclusive upon all whose action is required to place him in the office; and, in fact, the action of all of them is merely formal, except that of the judges in the test. But advice and consent imply an exercise of judgment and will; so does nomination; so does appointment. There is this difference: That the judgment and will of the Senate can regard only the person proposed by the President, while there is no similar constitutional limitation upon his judgment and will. But there is no right in Congress to constrain either to adopt the judgment and the will of others. Such constraint frustrates the consti-

tutional design, that the judgment of the Senate shall revise the judgment of the President, and that the judgment of both shall concur in filling the office. Although it might not be thought expedient to apply the competitive test, if established, to appointments in which the Senate must concur, it should be remembered that there is as much constitutional right to do so as in the case of appointments of the other class. When the appointment of an inferior officer is vested in the President alone, his individual act accomplishes what is done by himself and the Senate together in the appointment of a superior officer, and should be as independently performed as each part of the compound process in the latter case.

The appointing power may avail itself of the judgment of others as one means of information. For want of personal knowledge of candidates, it has habitually done so from the foundation of the government. But this has been done in its discretion. I see no constitutional objection to an examining board, rendering no imperative judgments, but only aiding the appointing power with information. A legal obligation to follow the judgment of such a board is inconsistent with the constitutional independence of the appointing power.

The argument has been made that the unquestioned right of Congress to create offices implies a right to prescribe qualifications for them. This is admitted. But this right to prescribe qualifications is limited by the necessity of leaving scope for the judgment and will of the person or body in whom the Constitution vests the power of appointment. The parts of the Constitution which confer this power are as valid as those parts from which Congress derives the power to create offices, and one part should not be sacrificed to the other. An office can not be created except under the condition that it shall be filled according to the constitutional rule.

The legislation of the country from an early period has been supposed to authorize a different constitutional view from that which is herein expressed. "A practical construction of the Constitution by Congress," says the Supreme Court in *Veazie Bank v. Fenno*, 8 Wallace's Reports, 544, "is entitled to great consideration, and should be followed in all cases of doubt." But when a congressional construction is inconsistent with the plain meaning of the Constitution, as ascertained by authoritative canons, that meaning can not be overruled by such construction, how often soever repeated.

Congress has, at various times, authorized appointments independently of the President, courts of law, or heads of departments, in departmental bureaus, in the customs service, in the internal revenue

service, in the land offices, and in some other branches of the Civil Service. Upon this legislation it may be observed:

First. That in some of these cases, such as those of deputy marshals and deputy clerks, the persons appointed are representatives of the officers who appoint them, and who, in some particulars, are responsible for their conduct, and perhaps it was considered by Congress that the office was substantially in the principal.

Second. That it was, no doubt, considered by Congress that some of the persons whose appointments were thus provided for were not officers in the constitutional sense of the term. Many employments now universally held to be offices were not esteemed such at the outset, but with the growth of the government were raised to that rank.

Thus the force of legislative precedents is somewhat weakened. Yet it can not be denied that some of them take for granted that Congress is absolute in the matter of appointment. Such, however, is not the constitutional rule. Congress has power to distribute, at its pleasure, the appointment of inferior officers between the President, courts of law and heads of departments, or to vest such appointments exclusively in one or two of those depositaries, but it has no power to vest appointments elsewhere, directly or indirectly. Attorney-General Legare says: "Congress has no power, whatever, to vest the appointment of an employé coming fairly within the definition of an inferior officer of the government, in any other public authority but the President, the heads of departments or the judicial tribunals." (4 Opinions, 164.) He was also of opinion that, where a customs officer is appointable by the collector, with the approbation of the Secretary of the Treasury, this approbation is really the appointment, or else the appointment "is null and void under the Constitution." (Id. 164, 166.) So the Supreme Court has held that a clerk appointed by the the Assistant Treasurer, with the approbation of the Secretary of the Treasury, was "appointed by the head of the department, within the meaning of the constitutional provision on the subject of the appointing power." (U. S. v. Hartwell, 6 Wall. Rep., 393-4.) Attorney-General Speed thought that a provision in the internal revenue act of March 3, 1865, giving to assessors the appointment of assistant assessors (13 U. S. Statutes, 69) was "clearly unconstitutional." (11 Opinions, 212.) And such appears to have been the opinion of Congress itself when its attention was called to the subject, for the act of January 15, 1866, repealed that provision, and gave the appointment of assistant assessors to the secretary of the Treasury. (14 U. S. Statutes, 2.)

I have not discussed the statutes relating to promotions in the army and navy, and the appointment of cadets. Some of the provisions of those statutes have been seriously assailed as unconstitutional, and the defense of them has been less frequently rested on the clauses in the Constitution on the subject of appointments than on the power of Congress "to make rules for the government and regulation of the land and naval forces." (See Report of Senate Committee on Military Affairs, April 25, 1822, *Niles' Register*, vol. 22, p. 418; Debate on Civil Service, in House of Representatives, May, 1870.) Unless controlled by authority, I should not take this power to embrace the subject of appointments, and I only refer to it for the purpose of showing that the claim made for Congress in relation to military and naval appointments has been put on grounds not applicable to civil appointments.

It more concerns us to ascertain what is the constitutional rule than to learn whether that rule has always been observed. Nineteen violations of the Constitution do not justify a twentieth. The present question, in its essence, is whether the appointing power belongs to Congress, or to those named in the Constitution as the depositaries of that power; for if Congress can ordain that an office shall be filled by the persons whom the examiners pronounce the fittest, it can ordain that the office shall be filled by the persons whom Congress judges the fittest, and may directly appoint its favorites. The constitutional aspect of the matter is not changed by the suggestion that Congress might prescribe the principles on which the examiners should judge; for it might prescribe the principles on which itself should judge, and might vary and apply them at pleasure. The objections would not be removed by interposing the formal action of the constitutional appointing power. An enactment that the President shall appoint to a certain office the person adjudged by the examiners to be the fittest is not different in constitutional principle from an enactment that he shall appoint John Doe to that office. In neither case are his judgment and will called into exercise. The appointment is effected in one case by the judgment and will of the examiners, under authority from Congress, and in the other case by the judgment and will of Congress. In the cases particularly propounded by the Commission, if the President, authorized by an act of Congress, should prescribe that the courts and heads of departments should always appoint the persons named by a Civil Service Board, that board would virtually be the appointing power, and that act of Congress would be the foundation of its authority. That Congress can not give such authority I think is manifest.

It has been suggested that the appointments now vested in the courts, and in the heads of departments, could be transferred by Congress to the President, and that he could appoint according to the result of a competitive test, certified by an examining board. To this mode of selection, if discretionary with the President, there is no constitutional objection, and the same mode, under a similar condition, could be used by the various appointing powers under present laws; it being always understood that the appointing power resorts to this test as a way of finding out the fittest person for the vacant office, and is not bound to abide by it if satisfied that the appointment of another would best serve the public interests. In short, the test of a competitive examination may be resorted to in order to inform the conscience of the appointing power, but can not be made legally conclusive upon that power against its own judgment and will.

The other question proposed by the Commissioners is this:

May the President, under the act by which this board is organized, regulate the exercise of the appointing power now vested in the heads of departments, or in the courts of law, so as to restrict appointments to a class of persons whose qualifications or fitness shall have been determined by an examination instituted independent of the appointing power.

My opinion is that he may. Though the appointing power alone can designate an individual for an office, either Congress, by direct legislation, or the President, by authority derived from Congress, can prescribe qualifications, and require that the designation shall be made out of a class of persons ascertained by proper tests to have those qualifications; and it is not necessary that the judges in the tests should be chosen by the appointing power. Attorney-General Legare has given an opinion upon a question similar in principle. Discussing the subject of appointment of inspectors of customs by the Secretary of the Treasury, he considers that it would "be a fair constitutional exercise of the power of Congress to require that the secretary should make an appointment out of a certain number of nominees proposed by a collector." (4 Opins., 164.) The act under which the present Civil Service Commission has been organized gives the President authority "to prescribe such rules and regulations for the admission of persons into the Civil Service of the United States as will best promote the efficiency thereof;" and this very ample authority will certainly embrace the right to require that the persons admitted into the service shall have been found qualified by competent examiners.

It has been argued that a right in Congress to limit in the least the field of selection implies the right to carry on the contracting

process to the designation of a particular individual. But I do not think this a fair conclusion. Congress could require that officers shall be of American citizenship, or of a certain age; that judges should be of the legal profession and of a certain standing in the profession; and still leave room to the appointing power for the exercise of its own judgment and will; and I am not prepared to affirm, that, to go further, and require that the selection shall be made from persons found by an examining board to be qualified in such particulars as diligence, scholarship, integrity, good manners, and attachment to the government, would impose an unconstitutional limitation on the appointing power. It would still have a reasonable scope for its own judgment and will. But it may be asked, at what point must the contracting process stop? I confess my inability to answer. But the difficulty of drawing a line between such limitations as are, and such as are not, allowed by the Constitution, is no proof that both classes do not exist. In constitutional and legal inquiries right or wrong is often a question of degree. Yet it is impossible to tell precisely where in the scale right ceases and wrong begins. Questions of excessive bail, cruel punishments, excessive damages, and reasonable doubts, are familiar instances. In the matter now in question it is not supposable that Congress or the President would require of candidates for office qualifications unattainable by a sufficient number to afford ample room for choice.

Very respectfully, your obedient servant.

A. T. AKERMAN,

Attorney-General.

OPINION OF THE ATTORNEY-GENERAL OF MASSACHUSETTS.

Chapter 320 of the acts of 1884 provides that rules shall be prepared giving preference in applications for office and promotions to honorably discharged soldiers and sailors.

Pursuant to said act the Civil Service Commission prepared the following rule:

“Persons who have served in the army or navy of the United States, in time of war, and been honorably discharged therefrom, shall be preferred for appointment in the Civil Service over other persons of equal qualification, as ascertained under these rules.”

Under this rule where the standing of a veteran on the eligible list is equal to the others certified, he is absolutely entitled to the preference.

AN EVASION OF THE LAW.

The mayor and aldermen of Northampton having failed to appoint as police officer Luther A. Clark, a veteran soldier, whose general average was the highest of three candidates certified by the examiners as eligible for appointment, Mr. Clark asked the State Commissioners to inform him whether he had any remedy in law. The subjoined correspondence between them and the Attorney-General in relation to the same will be found of especial interest:

OFFICE OF THE CIVIL SERVICE COMMISSION, }
BOSTON, *February 19, 1886.* }

To the Attorney-General :

A case has just arisen, in the appointment of a police officer by the mayor and aldermen of the city of Northampton, on which the Civil Service Commissioners desire your opinion as to the duty of instituting proceedings in the Supreme Court, in the name and upon the relation of a veteran of the late war, who claims to have been deprived of the just preference accorded by the Civil Service Law and the rules to the class to which he belongs.

The facts briefly stated, are these: The mayor of Northampton made a requisition in due form upon the board of Civil Service examiners in said city for the names of eligible persons to fill a vacancy in the regular police force. The board certified, in accordance with the rules, the names of the three persons who had the highest general average standing on their eligible list for that service, namely, Luther A. Clark, whose average standing was 87 1-20; George D. Briscoll, whose average standing was 86 11-12, and L. M. Rushford, whose average standing was 81 7-12. Clark was indicated as a soldier of the late war, entitled to all the preference growing out of that fact. The mayor nominated him for appointment by the board of aldermen, and in so doing stated that he desired to appoint Briscoll, whose name stood second on the certification, but that the law compelled him to name Clark first, on account of his military service. The board of aldermen voted not to confirm the nomination of Clark. The mayor then nominated Briscoll and he was duly confirmed, and has entered upon the discharge of his duties.

Clark now requests to be informed whether he has any remedy in law, and if so, how it is to be enforced. If, upon an examination of the law and the facts, you are of the opinion that, by the appointment of a man of lower standing, as ascertained under the Civil Service rules, the mayor and aldermen of Northampton have violated the law, the Commissioners would advise that application be made for a writ

of *certiorari* by which the error in the proceedings of the mayor and aldermen may be corrected.

The case in Northampton is not the only one in which quite recently the appointing power has apparently failed to recognize the just preference given by the law and the rules to the veterans of the late war; but it is the simplest case for adjudication and is therefore selected as a proper one to test the issues involved. For the provisions of the law and the rules bearing upon the question you are respectfully referred to the accompanying document, pages 48 and 61. The decisions of the State Civil Service Commission and the Supreme Court of New York, in the matter of the preference to veterans of the late war, under the laws of that State, are also inclosed for your information.

Very respectfully.

JAMES M. BUGBEE,

Chairman.

ATTORNEY-GENERAL'S DEPARTMENT,

COMMONWEALTH BUILDING,

Boston, *March 6, 1886.* }

HON. JAMES M. BUGBEE,

Chairman Civil Service Commissioners, Boston:

DEAR SIR.—I have the honor to submit the following reply to your question respecting the veterans' preference clause in the Civil Service laws (chapter 320, Acts 1884):

Section 14 of said act provides that rules shall be prepared for, among other things (clause 6), giving preference in applications to office and promotions in office (other qualifications being equal) to applicants who served in the army or navy of the United States in time of war, and have been honorably discharged therefrom. In obedience to this direction, your board prepared the following rule: "Persons who have served in the army or navy of the United States in time of war, and been honorably discharged therefrom, shall be preferred for appointment in the Civil Service over other persons of equal qualifications, as ascertained under these rules; and persons thus preferred shall not be disqualified from holding a position in the Civil Service on account of any physical disability, provided such disability does not render them incompetent to perform the duties."

The question submitted is whether this preference in favor of the veteran is absolute or one to be exercised within the sound discretion of the appointing officer. After carefully considering the subject, I am of the opinion that where, under your rules, you have certified

three or more persons as eligible to a given position, one of whom is a veteran, whose standing on the list is equal with the others, such veteran must be accepted and appointed by the appointing officer. In other words, where the standing of the veteran on the eligible list is equal to the others certified, he is absolutely entitled to the appointment. To allow the appointing officer to decide as to the equality of "other qualifications" would be to deprive practically the veteran of a preference which, I believe, was intended by the Legislature.

As to your suggestion that, in the Northampton case the clause in section 2 of the Civil Service Act, relating to rules "not inconsistent with existing laws," might be applicable, I have to say that, while the charter of said city (chapter 250, acts 1883) provides that "the mayor and aldermen shall have full and exclusive power to appoint" police and other officers, the Civil Service Act (chapter 320, acts 1884), a year later, provided a different way of appointing such officers. That is, the Legislature has provided a general law relating to the appointment of certain officers in the commonwealth, which, by a well settled rule of law, is a repeal of all prior existing laws on the same subject; hence, the general act of 1884, takes the place of the special act of 1883.

Rules prepared under the last enacted law, as provided by section 2 thereof, are "not inconsistent with existing laws" because by said last enacted law, provisions that were, or would have been in conflict, were in effect repealed.

The mayor and aldermen still have the absolute right of appointment; but it is the appointment of certified applicants, as provided by the act of 1884, a part of which act is the veterans' preference clause, which, as has been stated, is absolute and entitled to precedence, and a further limitation of the appointing officer's power.

Respectfully, your obedient servant.

EDGAR J. SHERMAN.

OPINION OF THE JUSTICES TO THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF MASSACHUSETTS.

138 *Mass. Reports*, 601.

The statute of 1884, chapter 320, providing for the appointment of commissioners to make rules for the selection of persons to fill offices in the government of the commonwealth and of the several cities thereof, which are required to be filled by appointment, and for the

selection of persons to be employed as laborers or otherwise in the service of the commonwealth, and of the several cities thereof, and to supervise the administration of such rules, is constitutional; and the Legislature may provide a penalty for the violation of such rules, and may give them a general or limited application.

The following order was passed by the House of Representatives on February 10, 1885, and transmitted by the Speaker to the justices of the Supreme Judicial Court, who, on February twenty-fourth, returned the answer which is subjoined:

WHEREAS, The Legislature of 1884 passed an act entitled "An act to improve the Civil Service of the commonwealth and the cities thereof;" (St. 1884, c. 320) and

WHEREAS, The commissioners appointed under said act have prepared certain rules, herewith submitted, which, having been approved by the Governor and council, and duly published, are by the terms of said act soon to go into operation; and

WHEREAS, This House has pending before it a bill appropriating \$6,500 to defray the expenses of said commissioners in the supervision of the administration of the rules aforesaid, a substantial portion of which sum is to be expended by said commission in the administration of certain of said rules which have been given a limited application; and

WHEREAS, This House, before making any further appropriation for the purposes of the Civil Service Commission appointed under said act, desires to be advised as to the constitutionality of certain provisions of said act and said rules; therefore, it is

Ordered, That the opinion of the justices of the Supreme Judicial Court be required upon the following important questions of law, viz. :

First. Are the provisions of said act, which authorize said commissioners to prepare rules for the selection of persons to fill certain offices named in section 2 of said act,* which provide for a penalty for

*Section 2 provides that "the said commissioners shall prepare rules not inconsistent with existing laws or with the provisions of this act, and adapted to carry out the purposes thereof, for the selection of persons to fill offices in the government of the commonwealth and of the several cities thereof, which are required to be filled by appointment, and for the selection of persons to be employed as laborers or otherwise in the service of the commonwealth and of the several cities thereof. All rules so prepared shall be subject to the approval of the Governor and council, and they may, with like approval, be from time to time altered or rescinded. The said commissioners shall supervise the administration of the rules so established."

the violation of said rules when established and published, as required by said act, and which provide that said rules may be given a general or limited application, constitutional?

Second. Are the rules prepared by said commissioners and approved by the Governor and council, and published as required by said act, a legal exercise of power lawfully conferred?

Third. Are the rules which are made applicable to the city of Boston only, valid?

The undersigned, justices of the Supreme Judicial Court, have considered the question proposed in the order of the honorable House of Representatives of the tenth day of February inst., and respectfully submit the following opinion:

The Constitution, in the fourth article of the first chapter of "The Frame of Government," confers upon the General Court full power and authority to make all manner of wholesome and reasonable Laws not repugnant to its provisions, to provide for the naming and settling all civil officers now provided for in the Constitution, and to set forth the duties, powers and limits of such officers. In the exercise of this power the Legislature has the right to prescribe the qualifications of all officers and servants of the public not provided for in the Constitution.

From the nature of the case, the duty of determining and ascertaining the qualifications of such officers and servants can not be performed directly by the Legislature, but must be delegated to some officers or agents. It has been the constant and necessary practice of the Legislature to confer the power of appointing such subordinate officers and servants upon some superior officers of the State, or upon the authorities of the cities or towns, leaving the question of the qualifications of the persons to be appointed entirely to the discretion of the appointing power.

The object of the statute before us is to provide for a board of commissioners, who shall make rules for the selection of persons to fill such offices in the government of the commonwealth, and of the several cities thereof, and supervise the administration of such rules. We think the Legislature has the constitutional right to provide for the appointment of such commissioners, and to delegate to them the power to make rules, not inconsistent with existing laws, to guide and control their discretion and the discretion of the officers of the State or of the cities in whom the appointing power is vested. This is not a delegation of the power to enact laws; it is merely a delegation of administrative powers and duties, and there is no provision of the Constitution which prevents the Legislature from enacting that such

rules, when duly made, shall be binding upon the officers and citizens to whom they apply, and that they may be enforced by suitable penalties, as provided in the last section of the statute.

The provision of the fourteenth section of the statute, that the rules "may be given a general or limited application," is not open to any constitutional objection.

The power of the Legislature to make or to authorize local laws for the administration of local affairs is beyond question. It has the right to make local laws to meet the peculiar exigencies of any part of the community. The qualifications required to fill an office in one place may be different from those required for a similar office in other places, and different rules of examination may be required. We have no doubt that the Legislature, or the commissioners acting under its authority, can make valid rules for the city of Boston differing from those which are found to be reasonable and wise in other localities.

We do not suppose it was the intention of the House to require us to examine every one of the numerous rules made by the commissioners, and to give an opinion upon the validity of each. The preamble of the order states that the House "desires to be advised as to the constitutionality of certain provisions of said act and said rules." We interpret the second and third questions, therefore, as designed to ask whether it is a legal exercise of power, lawfully conferred, for the commissioners to make rules consistent with existing laws, and whether they can make rules applicable only to the city of Boston. With this understanding of their scope of the questions, we answer each of the three questions in the affirmative.

Mr. Justice Colburn has been prevented by illness from considering the questions proposed, and therefore does not join with us in the opinion.

MARCUS MORTON.

WALBRIDGE A. FIELD.

CHARLES DEVENS.

WILLIAM ALLEN.

CHARLES ALLEN.

OLIVER WENDELL HOLMES, JR.

February 24, 1885.

OPINION OF THE JUSTICES TO THE GOVERNOR AND COUNCIL OF THE COMMONWEALTH OF MASSACHUSETTS.

145 *Mass.*, 587.

Under the statutes of 1887, chapter 437, persons who served in the army or navy of the United States in the time of the war of the rebellion, and were honorably discharged therefrom, can not be preferred for appointment to office or employment in the service of the commonwealth, or the cities thereof, without having made application for appointment to office or employment to the Civil Service Commissioners, as required by the statute of 1884, chapter 320, and the rules of the Civil Service Commissioners made thereunder.

The following order was passed by the Governor and council on July 20, 1887, and transmitted on the following day to the justices of the Supreme Judicial Court, who, on September 22, 1887, returned the answer which is subjoined:

WHEREAS, The Civil Service Commissioners have prepared and submitted to the Governor and council for approval, pursuant to section 2 of chapter 320 of the acts of the Legislature for 1884, the following additional Civil Service rule:

AMENDMENT OF RULES.

Clause 1. Any person who served in the army or navy of the United States in the time of the war of the rebellion, and was honorably discharged therefrom, desiring, under chapter 437 of the acts of 1887, appointment to office or employment in positions classified under the Civil Service rules, without having passed any examination provided for therein, shall file an application for such appointment, stating on oath: 1. His name, residence and post-office address. 2. The office or employment he seeks. 3. The time of service in the army or navy; the regiment and company in which, or the vessel on which such service was rendered, and the date of his discharge. 4. Whether the applicant habitually uses intoxicating beverages to excess, or is a vender of intoxicating liquor. 5. Whether he has, within one year, been convicted of any offense against the laws of the commonwealth. 6. That he desires appointment or employment without having passed the examination provided for by the Civil Service rules.

Such application shall be accompanied by certificates of good moral character and capacity for performance of the duties of the office or employment.

Such application, if for an office or employment in the service of the commonwealth, or the city of Boston, shall be filed in the office of the commissioners; if for an office or employment in the service of any other city than Boston, it shall be filed with the Civil Service examiners for such city. Such applicant, if he expresses a desire not to pass the examination provided for by the Civil Service rules, shall be exempt therefrom.

Clause 2. When requisition is made by an appointing officer upon the commissioners for names of eligible persons for appointment to office or employment in the public service, the commissioners shall certify the names of those most eligible on the proper register, as provided for by the Civil Service rules, and in addition shall, when so requested by the appointing officer, report the names of any honorably discharged soldiers or sailors of the war of the rebellion, who have filed proper and true applications for appointment to such office without examination. The appointing officer can appoint from the list of names so certified or reported to him; and,

WHEREAS, The question of the approval of said Civil Service rule is now before the Governor and council, and they wish to be advised as to its legality under chapter 437 of the Acts of the Legislature for 1887; it is therefore

Ordered, That the opinion of the justices of the Supreme Judicial Court be required upon the following important questions of law:

First. Under chapter 437 of the Acts of the Legislature of 1887, can persons who served in the army or navy of the United States in the time of the rebellion, and were honorably discharged therefrom, be preferred for appointment to office or employment in the service of the commonwealth, or the cities thereof, without having made application for appointment to office or employment to the Civil Service Commissioners, as required by chapter 320 of the Acts of the Legislature for 1884, and the rules of the Civil Service Commissioners made thereunder?

Second. Will the proposed Civil Service rule, set forth as above, if approved by the Governor and council, be valid?

To His Excellency the Governor and the Honorable Council of the Commonwealth of Massachusetts:

The undersigned, justices of the Supreme Judicial Court, having considered the questions upon which their opinion is required by the Governor and council, respectfully submit the following opinion:

The statute of 1887, chapter 437, provides that "all persons who served in the army or navy of the United States in the time of the

war of the rebellion, and were honorably discharged therefrom, may be preferred for appointment to office or employment in the service of the commonwealth, or the cities thereof, without having passed any examination provided for by chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, or by the rules of the Civil Service Commission made under the provisions of said act. Age, loss of limb, or other physical impairment which shall not in fact incapacitate, shall not be deemed cause to disqualify under this act. But nothing herein contained shall be construed to prevent such persons from making application for such examination, or from taking such examination, provided they were entitled to do so under the rules of said commission."

It seems to us that this statute was intended to be an amendment of the statute of 1884, chapter 320, usually called the Civil Service Law, the main purpose being to exempt honorably discharged soldiers and sailors from the examination required by that law and the rules established under it, leaving them subject to the operation of the law except so far as exempted by the amending act. This is the natural and obvious meaning of the act of 1887. If the Legislature had intended to provide that soldiers and sailors should be exempted from the operation of the Civil Service Law, it is to be presumed that it would have said so in direct and explicit language, as is done in the fifteenth section of the act of 1884, where it is provided that certain classes of officers "shall not be affected as to their election or selection, by any of the rules made as aforesaid."

The statute of 1887 does not provide that soldiers and sailors may be appointed to office or employment without making application to the Civil Service Commissioners. On the contrary, the structure of the act shows that it was intended to be engrafted upon and to become a part of the act of 1884, for the regulation of the Civil Service. The language used is "may be preferred for appointment to office or employment," which implies that they are to be selected out of a list or number of applicants, and plainly refers to the fourteenth section of the Civil Service Law, providing for giving preference to soldiers and sailors.

The provision that "age, loss of limb or other physical impairment, which shall not, in fact, incapacitate, shall not be deemed cause to disqualify under this act," implies that soldiers and sailors were to remain subject to the Civil Service Law, except so far as expressly exempted by this act. This provision would be entirely useless if the purpose of the preceding clause was to take the appointment of

soldiers and sailors out of the jurisdiction and supervision of the commissioners. Considered as a part of the Civil Service Law it has force and effect, because it exempts soldiers and sailors from the operation of the rules of the commissioners, making in certain cases the age of the applicant a disqualification, and limits the power of the commissioners to make any rules, in the future, which are inconsistent with it.

The Civil Service Law made a radical change in the method of appointing such officers and servants as are within its scope. Its scheme is that all such appointments should be made under the supervision of the Civil Service Commissioners, who are to determine the qualification of the applicants for the offices or employment which they seek. The statute does not attempt to fully define the qualifications of such officers and servants, but it confers upon the commissioners the authority to make rules, not inconsistent with law, for their selection and appointment, which rules, when approved by the Governor and council, have the force of laws, and are binding upon the appointing officers.

The statute and the rules made under it establish certain requirements or conditions which must be complied with before an appointment will be made. Thus, among other things, it is required that an application must be made to the Civil Service Commissioners stating certain facts as to the name, age, residence and previous history of the applicant; it is also provided that no person shall be appointed who is a vender of intoxicating liquor, or who habitually uses intoxicating beverages to excess, or who within one year preceding his application has been convicted of any offense against the laws of this commonwealth, and that certain officers shall be appointed for a probationary period. The rules, following the directions of the statute, further make specific and minute provisions for the personal examination of the applicant, designed as a test of his attainments and proficiency in the department of knowledge deemed necessary for his fitness for the position which he seeks.

The examination of the applicant is an important requirement of the statute, and of the rules, but it is not the only material requirement. It can not justly be said that the other requirements to which we have referred are parts or incidents of the examination. They are separate and independent requirements or conditions, and are so treated throughout the statute and the rules. The Legislature, in enacting the statute of 1887, had in mind the Civil Service Law and the rules of the commissioners; the provision that soldiers and sailors

“may be preferred for appointment to office or employment in the service of the commonwealth, or the cities thereof, without having passed any examination provided for” by such law and rules, according to the natural import of the words used, refers to the personal examination provided for by the statute and rules. It can not be held to repeal the statute of 1884, so far as relates to soldiers and sailors, or to exempt them from the other requirements of the statute and the rules, without greatly enlarging the language of the Legislature.

We are, therefore, of opinion, in answer to the first question proposed, that, under chapter 437 of the Acts of the Legislature of 1887, persons who served in the army and navy of the United States in the time of the rebellion, and were honorably discharged therefrom, can not be preferred for appointment to office or employment in the service of the commonwealth, or the cities thereof, without having made application for appointment to office or employment to the Civil Service Commissioners, as required by chapter 320 of the Acts of the Legislature of 1884, and the rules of the Civil Service Commissioners made thereunder. †

The second question is general, and points out no particular question of law upon which our opinion is desired.

We have doubts whether, within the fair intent of the Constitution, the executive or legislative departments can submit to the justices a law, or a series of laws or rules more or less complicated, and ask them to examine and ascertain what questions can be raised as to the validity of every clause, and to express an opinion in advance upon every such question. The practice always has been for the justices to confine their answers to the particular questions of law submitted to them. As the order of the Governor and council points out no definite question except the one we have answered, we have considered no other. If we were to suggest questions which might arise as to the validity of parts of the rule proposed by the commissioners, and to express an opinion upon them, it would be going beyond our proper duty, and might be regarded as an interference with the independence of the executive department.

Mr. Justice Devens does not concur in this opinion, and requests us to state that in his view the statute of 1887, chapter 437, in providing that the soldiers and sailors therein described may be preferred for appointment without having passed any examination provided for by the Civil Service Act, or the rules of the Civil Service Commissioners made under the provisions of said act, exempts them from any inves-

tigation by the Civil Service Commissioners of their qualifications, and leaves them to be determined by the power competent to appoint, and that they are thus necessarily exempted from making application for appointment to the Civil Service Commissioners.

MARCUS MORTON.

WALBRIDGE A. FIELD.

WILLIAM ALLEN.

CHARLES ALLEN.

OLIVER WENDELL HOLMES, JR.

MARCUS P. KNOWLTON.

Boston, *September 22*, 1887.

CASES UNDECIDED.

ACTIONS AND PROCEEDINGS UNDER THE CIVIL SERVICE LAWS.

1.

THE PEOPLE *ex rel.* THOMAS J. LINNEKIN, v. THE FIRE COMMISSIONER.

This was a mandamus to compel the defendant to restore the relator to his position as fireman on the fire boat, from which he claimed to have been illegally discharged. After a hearing before Mr. Justice Reynolds in the City Court of Brooklyn application was denied.

2.

THE PEOPLE *ex rel.* THOMAS J. MYERS v. THE PARK COMMISSIONERS.

THE PEOPLE *ex rel.* AUGUST UCKERT v. THE PARK COMMISSIONERS.

THE PEOPLE *ex rel.* BENJAMIN F. POWELL v. THE PARK COMMISSIONERS.

THE PEOPLE *ex rel.* FRANCIS H. GAITES v. THE PARK COMMISSIONERS.

These are proceedings for writs of mandamus to review the removal of the several relators from their positions as skilled laborers in the department of parks on the ground that they are veterans of the late war. Upon presentation of the facts to the corporation counsel he advised the department of parks that they should be restored to their positions, and this was done. Thereafter, however, the court ordered the writs to issue so that the rights of the relators as regards salary should not be lost.

3.

THE PEOPLE *ex rel.* CHARLES H. O'CONNOR v. JOHN P. ADAMS, COMMISSIONER OF THE DEPARTMENT OF CITY WORKS.

This is a proceeding for a writ of mandamus to compel the defendant to restore relator to the position of temporary clerk in the water bureau of said department from which he claimed to have been illegally removed, he being a veteran of the late war. The defendant claimed that the exigency calling for the temporary appointment having ceased, relator was properly removed. Argument has been had before Mr. Justice Pratt in the Supreme Court, but no decision has yet been rendered.

4.

THE PEOPLE ex rel. FREDERICK COCHEU v. JAMES D. BELL, POLICE COMMISSIONER.

This is an application for a writ of mandamus to compel the defendant to appoint relator to the position of deputy fire commissioner on the ground that relator being a veteran of the late war is entitled to the appointment over any one not an ex-Union soldier. He bases his claim solely under the provisions of chapter of the Laws of 1887. The matter has not yet been argued.

5.

THE PEOPLE ex rel. ROBERT AYRES v. The PARK COMMISSIONERS.

This is a mandamus to compel the park commissioners to restore Robert Ayres to a position in their department from which he claims to have been illegally removed, he being a veteran of the late war. The answer to his claim is that the position has been abolished, there being no need of continuing it. This has not yet been argued.

6.

THE PEOPLE ex rel. WILLIAM WARDROP v. JOHN P. ADAMS, COMMISSIONER OF THE DEPARTMENT OF CITY WORKS.

This is an application for a writ of mandamus to compel defendant to restore the relator to a position in said department from which he claims to have been illegally removed, he being a veteran of the late war. The answer of defendant sets up that the position formerly occupied by said Wardrop has been abolished, there not being sufficient work to call for such a position. This matter has been argued before Mr. Justice Cullen in the Supreme Court and a decision rendered in favor of the defendant, denying application for a writ. Appeal has been taken to the General Term.

7.

THOMAS BYRNES v. THE CITY OF BROOKLYN.

This is an action for salary claimed to be due the plaintiff as a member of the park police. He claims to have been illegally removed from his position and kept out of the same for a certain period, for which period he claims his salary. His claim rests on the fact that he was a veteran of the late war and was removed without a hearing. The city defends on the ground that he occupied a temporary position and that the exigency calling for his services had ceased. The case has not yet been tried.

APPENDIX E.

Transfers; Correspondence and Action Taken.

4.

THE PEOPLE ex rel. FREDERICK COCHEU v. JAMES D. BELL, POLICE COMMISSIONER.

This is an application for a writ of mandamus to compel the defendant to appoint relator to the position of deputy fire commissioner on the ground that relator being a veteran of the late war is entitled to the appointment over any one not an ex-Union soldier. He bases his claim solely under the provisions of chapter of the Laws of 1887. The matter has not yet been argued.

5.

THE PEOPLE ex rel. ROBERT AYRES v. The PARK COMMISSIONERS.

This is a mandamus to compel the park commissioners to restore Robert Ayres to a position in their department from which he claims to have been illegally removed, he being a veteran of the late war. The answer to his claim is that the position has been abolished, there being no need of continuing it. This has not yet been argued.

6.

THE PEOPLE ex rel. WILLIAM WARDROP v. JOHN P. ADAMS, COMMISSIONER OF THE DEPARTMENT OF CITY WORKS.

This is an application for a writ of mandamus to compel defendant to restore the relator to a position in said department from which he claims to have been illegally removed, he being a veteran of the late war. The answer of defendant sets up that the position formerly occupied by said Wardrop has been abolished, there not being sufficient work to call for such a position. This matter has been argued before Mr. Justice Cullen in the Supreme Court and a decision rendered in favor of the defendant, denying application for a writ. Appeal has been taken to the General Term.

7.

THOMAS BYRNES v. THE CITY OF BROOKLYN.

This is an action for salary claimed to be due the plaintiff as a member of the park police. He claims to have been illegally removed from his position and kept out of the same for a certain period, for which period he claims his salary. His claim rests on the fact that he was a veteran of the late war and was removed without a hearing. The city defends on the ground that he occupied a temporary position and that the exigency calling for his services had ceased. The case has not yet been tried.

APPENDIX E.

Transfers; Correspondence and Action Taken.

4.

THE PEOPLE ex rel. FREDERICK COCHEU v. JAMES D. BELL, POLICE COMMISSIONER.

This is an application for a writ of mandamus to compel the defendant to appoint relator to the position of deputy fire commissioner on the ground that relator being a veteran of the late war is entitled to the appointment over any one not an ex-Union soldier. He bases his claim solely under the provisions of chapter of the Laws of 1887. The matter has not yet been argued.

5.

THE PEOPLE ex rel. ROBERT AYRES v. THE PARK COMMISSIONERS.

This is a mandamus to compel the park commissioners to restore Robert Ayres to a position in their department from which he claims to have been illegally removed, he being a veteran of the late war. The answer to his claim is that the position has been abolished, there being no need of continuing it. This has not yet been argued.

6.

THE PEOPLE ex rel. WILLIAM WARDROP v. JOHN P. ADAMS, COMMISSIONER OF THE DEPARTMENT OF CITY WORKS.

This is an application for a writ of mandamus to compel defendant to restore the relator to a position in said department from which he claims to have been illegally removed, he being a veteran of the late war. The answer of defendant sets up that the position formerly occupied by said Wardrop has been abolished, there not being sufficient work to call for such a position. This matter has been argued before Mr. Justice Cullen in the Supreme Court and a decision rendered in favor of the defendant, denying application for a writ. Appeal has been taken to the General Term.

7.

THOMAS BYRNES v. THE CITY OF BROOKLYN.

This is an action for salary claimed to be due the plaintiff as a member of the park police. He claims to have been illegally removed from his position and kept out of the same for a certain period, for which period he claims his salary. His claim rests on the fact that he was a veteran of the late war and was removed without a hearing. The city defends on the ground that he occupied a temporary position and that the exigency calling for his services had ceased. The case has not yet been tried.

APPENDIX E.

Transfers; Correspondence and Action Taken.

4.

THE PEOPLE ex rel. FREDERICK COOHEU v. JAMES D. BELL, POLICE COMMISSIONER.

This is an application for a writ of mandamus to compel the defendant to appoint relator to the position of deputy fire commissioner on the ground that relator being a veteran of the late war is entitled to the appointment over any one not an ex-Union soldier. He bases his claim solely under the provisions of chapter of the Laws of 1887. The matter has not yet been argued.

5.

THE PEOPLE ex rel. ROBERT AYRES v. The PARK COMMISSIONERS.

This is a mandamus to compel the park commissioners to restore Robert Ayres to a position in their department from which he claims to have been illegally removed, he being a veteran of the late war. The answer to his claim is that the position has been abolished, there being no need of continuing it. This has not yet been argued.

6.

THE PEOPLE ex rel. WILLIAM WARDROP v. JOHN P. ADAMS, COMMISSIONER OF THE DEPARTMENT OF CITY WORKS.

This is an application for a writ of mandamus to compel defendant to restore the relator to a position in said department from which he claims to have been illegally removed, he being a veteran of the late war. The answer of defendant sets up that the position formerly occupied by said Wardrop has been abolished, there not being sufficient work to call for such a position. This matter has been argued before Mr. Justice Cullen in the Supreme Court and a decision rendered in favor of the defendant, denying application for a writ. Appeal has been taken to the General Term.

7.

THOMAS BYRNES v. THE CITY OF BROOKLYN.

This is an action for salary claimed to be due the plaintiff as a member of the park police. He claims to have been illegally removed from his position and kept out of the same for a certain period, for which period he claims his salary. His claim rests on the fact that he was a veteran of the late war and was removed without a hearing. The city defends on the ground that he occupied a temporary position and that the exigency calling for his services had ceased. The case has not yet been tried.

APPENDIX E.

Transfers; Correspondence and Action Taken.

A P P E N D I X E.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE,
ALBANY, *February 3, 1888.* }

To the Honorable the Civil Service Commission, of the State of New York:

GENTLEMEN.— On the 1st day of February, 1888, I appointed William J. Lardner, of the city of New York, as my assistant in said city, under the designation in letter of appointment of “assistant to the Attorney-General.”

He is to have charge of any business which may be necessary to attend to in the city of New York, when the Attorney-General can not be there in person, and to represent the Attorney-General in court and to admit for him service of papers, etc.

Mr. Lardner is a lawyer of good standing, and I desire, if possible, to have him exempted from Civil Service examination, and to have his position classed under Schedule A, subdivision II, class 1.

Very respectfully.

CHARLES F. TABOR,
Attorney-General.

At a meeting of the Civil Service Commission, held February 15, 1888, it was

Resolved, That the following be recommended to the Governor for approval:

Resolved, That in view of the facts set forth in the communication from the Attorney-General under date of February 3, 1888, the position of assistant to the Attorney-General in the city of New York, be included in Schedule A, class 1, subdivision 11 of the State classification.

Attest: CLARENCE B. ANGLE,
Secretary.

Approved February 18, 1888.

DAVID B. HILL,
Governor.

STATE OF NEW YORK:

BOARD OF CLAIMS, CLERK'S OFFICE, }
ALBANY, February 20, 1888. }

CLARENCE B. ANGLE,

Secretary New York Civil Service Commission:

SIR.—The office of deputy clerk of this board is now vacant, William E. Young, late deputy clerk, having resigned, which resignation took effect on February 1, 1888.

The Commissioners of the Board of Claims are of the opinion that said office of deputy clerk is now, or if not now, should be classed under Schedule A, class 1, subdivision 2, and rules 5 and 6 of the rules for the regulation of the Civil Service of this State and have directed me to address the Civil Service Commission upon the subject and ask for its opinion.

The Board of Claims was constituted by chapter 205 of the Laws of 1883.

Section 2 of said act, among other things provides: "The Board of Commissioners shall appoint and at pleasure remove a clerk, a stenographer, who shall act as a deputy clerk, and a messenger, each of whom, before entering upon the duties of his office, shall take the oath of office required by the Constitution and file the same in the office of the Secretary of State; they shall perform their duties under the direction of the board. The clerk, under the direction of the board, shall disburse the funds which may, from time to time, be appropriated for the use of the said board, and before entering upon the duties of his office he shall make and file in the office of the Comptroller a bond for the faithful performance of his duties in an amount and with sufficient sureties to be approved by the board, which approval shall be indorsed on said bond. The clerk, etc."

The Board of Claims organized on June 5, 1883, and appointed a clerk, a stenographer and a messenger, each of whom took and filed the oath of office as required by said act. The bond of the clerk was fixed at the sum of \$10,000 and was duly made, approved by the board and filed with the Comptroller.

Said chapter 205 of the Laws of 1883 was amended in some portions by chapter 60 of the Laws of 1884, but that portion of section 2 above quoted was not changed.

By chapter 334 of the Laws of 1884 the Commissioners of the Board of Claims were authorized and empowered to appoint and at pleasure remove a deputy clerk. The salary of such deputy clerk was fixed at \$1,500 per annum. So much of section 2 of chapter 205 of

the Laws of 1883, and of section 2 of chapter 60 of the Laws of 1884 as directed that the stenographer appointed by said Commissioners should act as deputy clerk was repealed.

On May 23, 1884, the said Commissioners appointed William E. Young deputy clerk under the authority of chapter 334 of the Laws of 1884, and said Young duly qualified as such and entered upon the discharge of his duties and continued to act as such until February 1, 1888, when he resigned.

No action was taken by the Civil Service Commission on the appointment of Mr. Young as deputy clerk, nor was he required to submit to any examination. The act relating to the Civil Service became operative under section 7 of said act on January 4, 1884, viz.: eight months from the expiration of the session of the Legislature of 1883, to wit, May 4, 1883.

By the Revised Statutes, part 1, title 6, article 1, chapter 5, section 7 (seventh edition, R. S., page 865), it is enacted:

“§ 7. In all cases not otherwise provided for, each deputy shall possess the powers and perform the duties attached by law to the office of his principal, during a vacancy in such office and during the absence of his principal.”

By chapter 205 of the Laws of 1883, as amended by chapter 60 of the Laws of 1884, four sessions of the Board of Claims are required to be held in the city of Albany, with adjourned sessions to be held at such times and places in the State as said Board may determine. Upon the hearing of all claims the rules of evidence prevailing in the courts of record of this State shall be observed and the practice upon such hearings shall conform as near as may be to the practice prevailing in the Supreme Court upon the trial of actions. The Board of Claims, under the statutes, is in fact a court in all but its name — its practice and procedure are those of a court — its records and proceedings are kept like those of a court. It holds its sessions for the hearing of claims, motions and arguments in Albany, and also in other places in the State. At all its sessions the presence of the clerk, or deputy clerk, is required — and at trial sessions the presence of the stenographer and messenger are required. If at its sessions at other places than in Albany the clerk attends, the deputy clerk remains in Albany in charge of the department — if the clerk remains in Albany, the deputy clerk attends at such sessions in places other than Albany.

The act constituting the Board of Claims does not designate that the office of the Commissioners shall be located in Albany, but only provides for a room in Albany in which to hold the stated sessions. The act does not direct that the office of the clerk shall be in

the Capitol. In this it is like the Court of Appeals. The office of the judges of that court is not located in Albany, but a room in which to hold the sessions in Albany has been assigned it, but the office of its clerk is located in the Capitol.

As the office of the Board of Claims is not located in Albany, but the office of the clerk is, and as the Commissioners are only in attendance in Albany at sessions for trials or consultations, the entire charge of the department, its correspondence, records, books, documents, award books and rolls devolves upon the clerk, who is the head of the department, and the medium of communication with claimants and their attorneys, and all the State boards and departments, and the Legislature. In the performance of his duties the clerk has the assistance of the deputy clerk during the absence of the clerk for any reason, or in case of a vacancy in the office of clerk, the deputy clerk possesses the powers and performs the duties of clerk under the provisions of the Revised Statutes above quoted. The clerk is under bonds for the faithful performance of his duties as such clerk, and is responsible under his bond for the faithful performance by said deputy clerk of the duties of his office.

It is submitted, that the clerk, by reason of being the officer at the head of and in charge of the department, and whose official relations are necessarily strictly confidential to the Commissioners of the Board of Claims ; and also being an officer under official bonds, upon each and both grounds, should be classed under rules 5 and 6, schedule A, class 1, subdivision 2, notwithstanding such officer is not enumerated in list contained under class 1, subdivision 2.

It is also respectfully submitted, the deputy clerk, by reason of the statutes and the facts above stated, and the nature of the duties he is required to perform, and the necessarily strictly confidential relations to the said Commissioners and the clerk, should be classed with the clerk in schedule A, class 1, subdivision 2.

The Commissioners of Claims respectfully ask that schedule A, class 1, subdivision 2, be amended by the insertion therein of the following : "Clerk and deputy clerk of the Board of Claims."

Will you kindly oblige the Commissioners of the Board of Claims by submitting the communication, at the earliest time practicable, to the Civil Service Commission, and ask its early attention to the same, as said Commissioners are desirous of appointing a deputy clerk as soon as possible.

Your obedient servant.

EDWIN M. HOLBROOK,

Clerk of Board of Claims.

STATE OF NEW YORK:

BOARD OF CLAIMS, CLERK'S OFFICE,
ALBANY, *February 23, 1888.* }

CLARENCE B. ANGLE, Esq.,

Secretary of New York Civil Service Commission:

SIR.—Herewith I have the honor to transmit to you a copy of a communication sent by me to the Attorney-General, and a copy of his reply thereto.

The correspondence has reference to the classification by the Civil Service Commission of the stenographer of the Board of Claims, which office has been vacant since February 1, 1888, Freeborn G. Jewett, who had been said stenographer since the organization of this board, having resigned to take effect on that day.

The opinion of the Attorney-General not only covers that of the stenographer, but is in aid of the position of the Commissioners of this board in reference to this board being in fact a *court* in all but its name, expressed in my communication to you under date of February 20, 1888.

Will you please submit this communication, with the accompanying papers, to the Civil Service Commissioners.

The Commissioners of this board respectfully request that rule 20, class 3, subdivision 1, be amended by adding "Stenographer of the Board of Claims."

Your obedient servant.

E. M. HOLBROOK,

Clerk of Board of Claims.

ALBANY, *February 1, 1889.*

HON. CHARLES F. TABOR, *Attorney-General:*

SIR.—The Commissioners of the Board of Claims are of the opinion that in all matters with which they have jurisdiction under the statutes, in the rules of evidence to be observed and the practice and procedure in the hearing of claims and appeals (see chapter 60, Laws of 1884, section 7, amending section 11 of chapter 205, Laws of 1883), the said board is a *court* in all but name.

That being a court in all but name, within the jurisdiction and powers conferred upon it, and so recognized by the Legislature, the Court of Appeals and those doing business with it, it should be so recognized by the Civil Service Commission.

In the opinion of the Commissioners, the stenographer of the Board of Claims, should be classified in Schedule C, class 3, subdivision 1, of the rules and regulations of the Civil Service Commission with the "*Stenographers of Courts.*" Will you kindly oblige the Commissioners of the Board of Claims with your opinion as to the correctness, or otherwise, of their position as taken above.

An early reply will oblige

Your obedient servant.

E. M. HOLBROOK,

Clerk of the Board of Claims.

STATE OF NEW YORK :

OFFICE OF THE ATTORNEY-GENERAL, }
ALBANY, February 22, 1888. }

E. M. HOLBROOK, Esq.,

Clerk of the Board of Claims :

DEAR SIR.—Your communication of the twenty-first inst., asking me if, in my opinion, the stenographer of the Board of Claims should be placed in schedule C, class 3, subdivision 1 of the rules and regulations of the Civil Service Commissioners, with that of stenographers of courts, has been duly received.

In reply thereto I beg leave to state that inasmuch as the Board of Claims performs all the functions and possesses the attributes of a court, conducts trials in the same manner, is governed by the same rules of law, and is recognized by the Legislature and Court of Appeals as a court in fact, though technically not, perhaps, in name ; and inasmuch as the duties of the stenographer are identical with those of stenographers of courts generally, such stenographer should, in my opinion, be placed in the same schedule, class and subdivision in the Civil Service that stenographers of courts are placed.

Very respectfully your obedient servant.

CHARLES F. TABOR,

Attorney-General.

At a meeting of the Civil Service Commission held February 27, 1888, it was

Resolved, That the following changes in the rules be recommended to the Governor for approval:

Resolved, That in view of the facts set forth in the communication of the clerk of the Board of Claims, Schedule A, class 1, subdivision

2 be amended by the insertion therein of the following: "Clerk and deputy clerk of the Board of Claims."

Resolved, That in view of the facts set forth in the letter from the clerk of the Board of Claims under date of February 23, 1888, and the correspondence between him and the Attorney-General, touching the status of the stenographer of the Board it is ordered that he be classified the same as stenographers of courts.

Attest: CLARENCE B. ANGLE,
Secretary.

Approved March 8, 1888.

DAVID B. HILL,
Governor.

At a meeting of the Civil Service Commission held April 27, 1888, it was

Resolved, That the positions under this board of electrical control be classified as follows:

In Schedule A.

The chief engineer.

The assistant secretary.

In Schedule B.

The electrical expert.

The inspectors of electrical conductors.

The inspectors of underground construction.

The stenographer.

The messenger.

Attest: CLARENCE B. ANGLE,
Secretary.

Approved May 9, 1888.

DAVID B. HILL,
Governor.

(See opinion of Attorney-General, Appendix D, page 271.)

OFFICE OF THE SUPERINTENDENT OF STATE PRISONS, }
ALBANY, January 23, 1888.

To the Honorable the Civil Service Commission:

GENTLEMEN.—The clerical force of this office is limited to one clerk and one messenger. While the contract system was the method of employment in the prisons, this force was adequate, as the clerk was seldom called away from the office on prison business; but

since the State account system has been in operation the work of the office has increased four-fold, and the clerk and myself have often to visit the prisons at the same time and are obliged to leave the office entirely in the charge of the messenger for several days at a time and entrust him with important and confidential matters; in fact, the existing conditions compel me to make a "confidential man" of him. The messenger who has been in the office for several years has become very uneasy and wants a change. The Railroad Commissioners have passed a resolution asking his transfer to a like position in their office and I must have a new man. You will readily see that it would be a source of constant anxiety to me to have in my office, and occupying so confidential a position, a young man of whom I knew nothing; and in view of this and the fact that the clerical force of this department is so small that it is difficult to get along even under the most favorable conditions, can you not consistently so class this messenger as to allow me to select a young man from among those of whose ability and integrity I have personal knowledge?

Very respectfully.

AUSTIN LATHROP,

Superintendent of State Prisons.

At a meeting of the Civil Service Commission, held on the 25th day of January, 1888, it was

Resolved, That in view of the facts set forth in the communication from the Superintendent of State Prisons, dated January 23, 1888, and considering the limited clerical force at his disposal by law and the confidential character of the employment held by them, this Commission respectfully recommends to the Governor the transfer of the position of messenger in the office of the Superintendent of State Prisons from Schedule B to Schedule C.

Attest: CLARENCE B. ANGLE,
Secretary.

Approved January 28, 1888.

DAVID B. HILL,
Governor.

At a meeting of the Civil Service Commission, held April 27, 1888, it was

Resolved, That subject to the approval of the Governor the resolution adopted by this Commission September 20, 1886, be modified so

as to read "*Resolved*, That three application clerks in the office of the board of excise of the city of New York be classified in Schedule C of the State classification."

Attest: CLARENCE B. ANGLE,
Secretary.

Approved June 14, 1888.

DAVID B. HILL,
Governor.

STATE OF NEW YORK:

COMPTROLLER'S OFFICE,
ALBANY, April 26, 1888. }

To the Honorable Civil Service Commissioners of the State of New York:

GENTLEMEN.—I beg leave to request you to transfer the following officials of this department to Schedule C of the Civil Service list, viz.: Chief clerk of bureau of canal affairs; chief tax clerk and land (or first assistant) tax clerk.

These officials hold peculiarly responsible and confidential positions and are required to possess special qualifications for their several places in the Civil Service, and should not be subject to general Civil Service rules.

The chief clerk of the bureau of canal affairs is required to be an expert book-keeper and accountant, and to possess special and thorough knowledge of canal finances and affairs, including investments for the canal funds and redemption of State stocks. He keeps all the accounts of the canal department, draws all checks for drafts of every kind on the Canal Fund and his relations with this department are continually important and confidential.

The chief tax clerk and his assistant (or land clerk) act together in the administration of the tax department and have the responsible care of its important business.

They require special knowledge and qualifications for their positions and especially a knowledge of the laws relating to taxation and administration of the tax laws. They have charge of all the business relating to unpaid taxes in the several counties, and settlements with county treasurers and of all applications for redemption and cancellations in cases of lands sold for non-payment of taxes, and prepare all cases for decision by the Comptroller, keep the accounts for unpaid taxes in the several counties, and are in constant confidential relations with the Comptroller in regard to these matters.

The positions should severally be placed in the non-competitive list to secure the independent, intelligent and efficient administration of the important business of this important department of the State government.

I therefore respectfully urge that these positions mentioned be transferred to Schedule C. •

Any further information or explanations that you may desire I will be pleased to give you personally at a meeting of your Commission at any time. I remain

Very respectfully yours.

EDWARD WEMPLE,

Comptroller.

At a meeting of the Civil Service Commission held June 1, 1888, it was

Resolved, That it is respectfully recommended to his Excellency the Governor that the following named positions in the office of the Comptroller be transferred from Schedule B to Schedule C of the State classification, viz.: Chief clerk of bureau of canal affairs, chief tax clerk and land (or first assistant) tax clerk. Also, that the following named positions in the office of the Comptroller be transferred from Schedule C to Schedule B, viz.: Stationery and document clerk.

Attest: CLARENCE B. ANGLE,

Secretary.

Approved June 5, 1888.

DAVID B. HILL,

Governor.

STATE OF NEW YORK:

COMPTROLLER'S OFFICE,

ALBANY, July 24, 1888. }

To the Honorable the Civil Service Commission:

GENTLEMEN.—I beg leave to ask that your honorable body will exempt from competitive examination the position of tax correspondent in this department, at present vacant. The place in question is one requiring legal attainments and special aptitude for the discharge of its duties. The incumbent should be an attorney and must be familiar with the laws relating to real estate; he must be possessed of the clerical training that would enable him to draft the entire and often-times intricate correspondence of the tax department. He

should be so well acquainted with the subjects upon which he is constantly required to act, that it would be unnecessary for him to be dependent upon the chief clerk or Deputy Comptroller for information and instruction, save in those cases where their authority is required. It is of the greatest importance to the Comptroller that the man occupying this position be one on whom he can rely, for the reason that hundreds of searches are annually required from this department, and to each of these he is compelled to attach a certificate that he "has caused a search and examination of the books of his office to be made by a competent and careful clerk," and to the tax correspondent the making of these searches is entrusted. Should an error occur in a search by reason of the carelessness or ignorance of a clerk, the pecuniary loss to the parties interested might be great, to say nothing of the vexations and delays that would ensue. I hope your honorable body will give this matter your most deliberate consideration.

Another important matter I desire to bring before the Commission. I have determined to constitute a new desk, whose occupant shall be known as "special accountant," and to whom shall go all documents and accounts relating to the disbursement of moneys by the State prisons, the Onondaga salt springs and the Asylum for Insane Criminals. In addition to these duties I shall give to his charge all the accounts of the Commissioners of the United States Deposit Fund. The new clerkship will be one of the most responsible in this department by reason of the magnitude of the interests which are involved. All the vouchers, reports, bank and other statements, estimates and abstracts of the prisons at Sing Sing, Auburn and Dannemora, also of the insane criminal asylum at Auburn and the salt springs at Syracuse, the vouchers alone numbering about 12,000 annually, will come to his desk. All of these documents should receive the most careful scrutiny, for the sums of money disbursed by them reach enormous proportions. During the last fiscal year the expenditures of the prisons alone exceeded \$1,250,000, the disbursement of every dollar of which should be closely watched. The accounts of the Commissioners of the United States Deposit Fund now amount in loans outstanding and bonds to over \$4,000,000. These duties have never had that careful attention which I desire them to receive on account of other and important labor required of the clerks to whom these accounts have hitherto gone.

Considering the confidential nature of the services to be expected from the official in guarding the expenditure and custody of sums of money of such volume, I am confident your honorable body will

agree with me that the relations between this appointee and his chief will forbid the intervention of a competitive examination which might only offer for his selection a list of names of total strangers, of whose personal qualifications and integrity the Comptroller might have no sufficient means of satisfactorily informing himself. I have examined the lists on file in the Commission's office and fail to discover the names of any persons to whom I would willingly entrust these positions.

I shall be glad to appear before the Commission at any time, if so requested, and explain any matters touching the duties of the new clerkship they may desire.

• I have the honor to be, gentlemen,

Yours very sincerely.

EDWARD WEMPLE,

Comptroller.

At a meeting of the State Civil Service Commission held August 2, 1888, it was

Resolved, That this Commission recommends to his Excellency the Governor the approval of the following resolution:

Resolved, That the positions of tax correspondent and special accountant in the office of Comptroller be included in class 2 of the classified service and enrolled in Schedule C.

Attest: CLARENCE B. ANGLE,
Secretary.

Approved August 5, 1888.

DAVID B. HILL,
Governor.

STATE OF NEW YORK:

OFFICE OF THE SECRETARY OF STATE, }
ALBANY, July 3, 1888. }

GENTLEMEN.—I desire to respectfully call your attention to the wants of this office in connection with the disposition of public business.

As you are doubtless aware, a large portion of the business of this office arises from the formation of corporations under the general laws of this State, the papers connected with which must be examined, filed and recorded in this office.

Many of the papers in these applications for incorporation are informal and carelessly prepared, while others are artfully drawn with the view to evade the scope of general acts under which they are prepared, and the entire corporation business requires close scrutiny and much correspondence.

At the commencement of my term in 1886, the State Civil Service Commission recognized the necessity and importance of granting to the Secretary of State a confidential examiner of corporations, to be an attorney-at-law.

A non-competitive appointee as examiner, selected by me then, has proved of great use in the administration of this office.

The corporation business of this office has been extended, from year to year, since 1885, by the passage of new general acts for the formation of corporations. Several new general corporation acts were thus passed in each of the years 1886 and 1887, and four new general corporation acts passed in 1888, while the older corporation acts are being extended at almost every session of the Legislature.

The passage of an act in 1886 to tax corporations for the privilege of organization has also materially added to the correspondence and duties of this office.

The income of the office of Secretary of State from fees for the past three years has averaged about \$22,000 annually, largely from corporations, making the office substantially self-sustaining and since the passage of the act of 1886, creating a corporation franchise tax, the State has received at the rate of over \$200,000 per annum from business relating to corporations transacted through this office.

I respectfully request the appointment of an assistant corporation examiner, and, the appointee having the duties of a confidential and professional character, that the appointment be made non-competitive.

My reason for asking this appointment is the increase of business above referred to, as well as the fact that during the necessary absence or illness of the examiner there should be a special assistant to take up and perform his duties.

In this connection, and in case your board should agree to grant my request, I respectfully propose the name of Albert Hager, of Rome, for such assistant.

Mr. Hager is a law clerk in the office of Scripture & Backus, Rome, and has so far advanced in the study of law that he soon will be qualified for admission to the bar.

At the comparatively small salary which I would be enabled to pay to such assistant, within my appropriation for clerk hire, I can not expect to secure the services of a practicing attorney of experience.

The gentleman spoken of is a studious, careful and industrious young man, and in case you should grant my request for his selection by non-competitive appointment, you will enable me to carry on the corporation business of the office efficiently and in the best interests of the State.

I am, yours very truly.

FREDERICK COOK,
Secretary of State.

The Honorable Civil Service Commission, Albany, N. Y.

At a meeting of the Civil Service Commission held July 19, 1888, it was

Resolved, That this Commission recommends to his Excellency the Governor the approval of the following resolution:

Resolved, That the position of assistant corporation examiner in the office of the Secretary of State be included in class 2 of the classified service and enrolled in Schedule C.

Attest: CLARENCE B. ANGLE,
Secretary.

Approved July 20, 1888.

DAVID B. HILL,
Governor.

STATE OF NEW YORK:

OFFICE OF FACTORY INSPECTOR, }
ALBANY, August 8, 1888. }

HON. DANIEL E. SICKLES,

President Civil Service Commissioners:

DEAR SIR.—The duties of factory inspector require that he visit, from time to time, different parts of the State, and, therefore, must leave the office at headquarters in charge of some person who can be trusted to open and examine his official correspondence.

I find it impracticable to call upon one of the deputies for that work, as that would take him from important labor.

I have appointed, temporarily, Miss Bertha L. Aschoff, as private secretary and assigned her the duties of copying documents, type-writing, opening and examining all official communications in my absence.

This lady is a good writer, in both the English and German languages, and is therefore, very valuable in the office for that reason. I would, therefore respectfully ask that your honorable board take such action as the necessity of the case requires.

Yours very respectfully.

JAMES CONNOLLY,

Factory Inspector.

At a meeting of the Civil Service Commission held August 22, 1888, it was

Resolved, That the following be recommended to his Excellency the Governor for approval:

Resolved, That the position of private secretary to the State factory inspector be included in Schedule C of the State classification.

Attest: CLARENCE B. ANGLE,

Secretary.

Approved August 28, 1888.

DAVID B. HILL,

Governor.

APPENDIX F.

ROSTER OF STATE EMPLOYEES.

APPENDIX F.

EXECUTIVE DEPARTMENT.

	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Governor.....	Elected.....	\$10,000 00.....	Exempt.....	January 1, 1886
Lieutenant-Governor.....	Elected.....	8,000 00.....	Exempt.....	January 1, 1886
Private secretary.....	Governor.....	4,000 00.....	Exempt.....	
Pardon clerk.....	Governor.....	2,000 00.....	Exempt.....	
Notary clerk.....	Governor.....	1,800 00.....	Exempt.....	
Stenographer.....	Governor.....	2,000 00.....	Exempt.....	
Messenger.....	Governor.....	1,200 00.....	Exempt.....	
Military messenger.....	Governor.....	800 00.....	Exempt.....	

SECRETARY OF STATE

.....	Elected.....	\$5,000 00.....	Exempt.....	January 1, 1886
.....	Secretary.....	4,000 00.....	A.....	January 1, 1886
.....	Secretary.....	2,500 00.....	C.....	January 1, 1886
.....	Secretary.....	2,000 00.....	E.....	January 1, 1886
.....	Secretary.....	1,800 00.....	C.....	January 5, 1886
.....	Secretary.....	1,620 00.....	E.....	June 31, 1886
.....	Secretary.....	1,600 00.....	E.....	April 7, 1886
.....	Secretary.....	1,320 00.....	B.....	March 1, 1886
.....	Secretary.....	1,320 00.....	B.....	June 20, 1886
.....	Secretary.....	1,000 00.....	O.....	January 1, 1886
.....	Secretary.....	2,200 00.....	O.....	February 1, 1886
.....	Secretary.....	1,800 00.....	O.....	September 1, 1886

COMPTROLLER.

.....	Elected.....	\$8,000 00.....	Exempt.....	January 1, 1886
.....	Comptroller.....	4,000 00.....	A.....	January 1, 1886
.....	Comptroller.....	1,500 00.....	A.....	December 7, 1886
.....	Comptroller.....	2,700 00.....	E.....	January 1, 1886
.....	Comptroller.....	2,200 00.....	E.....	July 15, 1886
.....	Comptroller.....	1,500 00.....	C.....	October 1, 1886
.....	Comptroller.....	1,600 00.....	E.....	February 11, 1884
.....	Comptroller.....	1,860 00.....	B.....	February 18, 1884
.....	Comptroller.....	1,700 00.....	C.....	December 1, 1886

APPENDIX F — COMPTROLLERS — (Continued).

NAME	Title of position.	Elected or appointed by		Schedule.	Date of entrance into position.
Dennis J. Dewon	Assistant corporation tax clerk	Comptroller	\$1,500 00	C	January 1, 1886
		Comptroller	1,300 00	B	January 1, 1886
		Comptroller	2,400 00	C	February 1, 1884
		Comptroller	2,000 00	O	January 1, 1890
		Comptroller	1,500 00	E	July 20, 1877
		Comptroller	1,500 00	E	July 1, 1877
		Comptroller	1,400 00	B	February 1, 1882
		Comptroller	1,350 00	B	September 1, 1888
		Comptroller	1,300 00	O	March 6, 1884
		Comptroller	1,300 00	B	February 21, 1884
		Comptroller	1,300 00	B	February 25, 1884
		Comptroller	1,300 00	B	March 12, 1884
		Comptroller	1,300 00	B	January 13, 1886
		Comptroller	1,900 00	C	January 1, 1886
		Comptroller	1,000 00	O	October 1, 1886
		Comptroller	1,200 00	B	February 14, 1887
		Comptroller	1,000 00	B	February 14, 1887
		Comptroller	1,200 00	B	April 1, 1888
TREASURER.					
Lawrence J. Fitzgerald	Treasurer	Elected	\$5,000 00	Exempt.	January 1, 1886
Elliot Danforth	Deputy	Treasurer	4,000 00	A	January 1, 1886
Richard G. Milks	Cashier	Treasurer	3,000 00	A	February 1, 1870
Philo H. Backus	Bookkeeper	Treasurer	2,400 00	A	February 1, 1882
James H. Schooley	Check clerk	Treasurer	2,000 00	C	February 1, 1882
William C. Hackney	Warrant clerk	Treasurer	1,200 00	B	April 7, 1883
Jerome Hatheway	Corporation clerk	Treasurer	1,500 00	C	August 1, 1886
Samuel V. B. Swann	Clerk and messenger	Treasurer	1,000 00	B	October 1, 1882
ATTORNEY-GENERAL.					
			\$5,000 00	Exempt.	January 1, 1886
			4,000 00	A	January 1, 1886
			4,000 00	A	January 1, 1886
			5,000 00	A	January 1, 1886
			1,500 00	A	February 1, 1886
			2,000 00	A	January 1, 1886
			1,500 00	B	January 1, 1886
			1,500 00	B	January 1, 1886

CIVIL SERVICE COMMISSION.

323

William M. Thomas.....	Stenographer.....	Attorney-General.....	1,700 00.....	B.....	January.....	1, 1888
James R. Baumes.....	Land department clerk.....	Attorney-General.....	2,400 00.....	O.....	January.....	1, 1888
James M. Cloak.....	Assistant to second deputy.....	Attorney-General.....	1,800 00.....	O.....	January.....	1, 1888

ENGINEER AND SURVEYOR.

John Bogart.....	Engineer and Surveyor.....	Elected.....	\$5,000 00.....	Exempt.....	January.....	1, 1888
Arthur S. C. Wurtele.....	Deputy Engineer.....	Engineer.....	4,000 00.....	A.....	August.....	20, 1887
John P. Masterson.....	Chief clerk.....	Engineer.....	2,000 00.....	E.....	January.....	1, 1884
Henry C. Parsons.....	Land clerk.....	Engineer.....	1,800 00.....	E.....	February.....	14, 1886
Charles H. Whitbeck.....	Canal clerk.....	Engineer.....	1,200 00.....	B.....	July.....	23, 1886
Thomas Rattoone.....	Clerk.....	Engineer.....	1,100 00.....	B.....	September.....	1, 1887
Mrs. T. O. Sweet.....	Stenographer and typewriter.....	Engineer.....	600 00.....	B.....	May.....	1, 1887

EASTERN DIVISION.

C. L. Johnson.....	Division engineer.....	Engineer.....	2,400 00.....	A.....	January.....	15, 1888
John P. Kelly.....	Resident engineer.....	Engineer.....	2,000 00.....	A.....	January.....	31, 1888
Martin Schenck.....	Assistant engineer.....	Engineer.....	6 00 per day.....	E.....	April.....	18, 1887
A. S. Kibbe.....	Assistant engineer.....	Engineer.....	6 00 per day.....	E.....	September.....	1, 1887
G. D. Baltimore.....	Assistant engineer.....	Engineer.....	6 00 per day.....	E.....	November.....	15, 1887
T. C. Leutze.....	Assistant engineer.....	Engineer.....	6 00 per day.....	E.....	December.....	13, 1887
Henry M. Rood.....	Assistant engineer.....	Engineer.....	5 00 per day.....	B.....	November.....	23, 1887
G. V. Rapp.....	Leveler.....	Engineer.....	4 50 per day.....	B.....	November.....	25, 1887
A. P. Folwell.....	Leveler.....	Engineer.....	4 50 per day.....	B.....	November.....	23, 1887
R. C. Strachan.....	Leveler.....	Engineer.....	4 50 per day.....	B.....	December.....	5, 1887
O. M. Pepson.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	June.....	1, 1887
L. L. Gaul.....	Leveler.....	Engineer.....	4 50 per day.....	B.....	April.....	19, 1884
F. W. Battershall.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	September.....	15, 1887
J. H. Jones.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	December.....	13, 1887
O. H. Barber.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	February.....	28, 1884
John Hickey.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	November.....	23, 1887
James Ryan, Jr.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	August.....	5, 1886
G. T. DeForest.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	December.....	13, 1887
William J. Smith.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	December.....	1, 1887
L. T. Carver.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	December.....	13, 1887
John Curran.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	September.....	29, 1887
Fred. Turner.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	December.....	3, 1887
J. T. Gaffney.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	April.....	29, 1887
E. J. Waldron.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	November.....	25, 1887
William Miller.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	May.....	16, 1887
W. A. O'Brien.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	September.....	1, 1887
John A. Shanahan.....	Chainman.....	Engineer.....	2 50 per day.....	D.....	January.....	6, 1888
James C. Dougrey.....	Rodman.....	Engineer.....	3 50 per day.....	B.....	December.....	13, 1887

MIDDLE DIVISION.

Henry T. Beach.....	Resident engineer.....	Engineer.....	2,000 00.....	A.....	July.....	1, 1886
David E. Whitford.....	Assistant engineer.....	Engineer.....	6 00 per day.....	E.....	January.....	1, 1884

APPENDIX F -- ENGINEER AND SURVEYOR -- (Continued).

NAME.	Title of position.	Elected or appointed by			
Q. G. Whitbeck.....	Assistant engineer.....	Engineer.....	66 00 per day..	.....	April 19, 1884
E. B. Noyes.....	Assistant engineer.....	Engineer.....	6 00 per day..	.....	February 2, 1887
A. V. Meeker.....	Leveler.....	Engineer.....	4 50 per day..	.....	May 1, 1887
R. B. Stuart.....	Leveler.....	Engineer.....	4 50 per day..	.....	January 1, 1884
F. M. Thomas.....	Leveler.....	Engineer.....	4 50 per day..	.....	September 12, 1887
A. C. Driscoll.....	Rodman.....	Engineer.....	8 50 per day..	.....	September 23, 1887
T. A. Hendrickson.....	Rodman.....	Engineer.....	8 50 per day..	.....	September 12, 1887
S. L. Way.....	Rodman.....	Engineer.....	3 50 per day..	.....	September 15, 1887
Henry Blum.....	Chainman.....	Engineer.....	2 50 per day..	.....	August 16, 1887
T. V. Owens.....	Chainman.....	Engineer.....	2 50 per day..	.....	November 24, 1886
John Costigan.....	Chainman.....	Engineer.....	2 50 per day..	.....	January 31, 1887
D. Sullivan.....	Chainman.....	Engineer.....	2 50 per day..	.....	August 29, 1886
C. R. Breed.....	Chainman.....	Engineer.....	2 50 per day..	.....	September 12, 1887
WESTERN DIVISION.					
Thomas Everashed.....	Division engineer.....	Engineer.....	2,400 00.....	.....	January 1, 1878
John Bisgood.....	Resident engineer.....	Engineer.....	2,000 00.....	.....	January 1, 1878
George I. Bailey.....	Assistant engineer.....	Engineer.....	6 00 per day..	.....	September 15, 1887
F. A. Kimball.....	Assistant engineer.....	Engineer.....	6 00 per day..	.....	November 15, 1887
M. W. Wilbur.....	Leveler.....	Engineer.....	4 50 per day..	.....	December 13, 1887
G. C. Mills.....	Leveler.....	Engineer.....	4 50 per day..	.....	December 5, 1887
J. E. Ostrander.....	Leveler.....	Engineer.....	4 50 per day..	.....	November 29, 1887
J. D. Barrett.....	Rodman.....	Engineer.....	3 50 per day..	.....	September 2, 1887
E. Styring.....	Rodman.....	Engineer.....	3 50 per day..	.....	December 5, 1887
D. R. Lee.....	Rodman.....	Engineer.....	3 50 per day..	.....	December 28, 1887
W. Leighton.....	Leveler.....	Engineer.....	3 50 per day..	.....	November 31, 1887
George I. Bischof.....	Rodman.....	Engineer.....	3 50 per day..	.....	October 28, 1887
C. Cockcroft.....	Rodman.....	Engineer.....	3 50 per day..	.....	November 29, 1887
R. B. Green.....	Chainman.....	Engineer.....	2 50 per day..	.....	October 12, 1887
Henry Geck.....	Chainman.....	Engineer.....	2 50 per day..	.....	August 1, 1887
C. L. Raymond.....	Chainman.....	Engineer.....	2 50 per day..	.....	December 10, 1887
John Pinkle.....	Chainman.....	Engineer.....	2 50 per day..	.....	December 1, 1887
William Toohay.....	Chainman.....	Engineer.....	2 50 per day..	.....	December 8, 1887
D. M. Teller.....	Chainman.....	Engineer.....	2 50 per day..	.....	November 20, 1887
M. F. Wemple.....	Chainman.....	Engineer.....	2 50 per day..	.....	March 20, 1888

SUPERINTENDENT OF PRISONS.

Austin Lathrop.....	Superintendent.....	Governor.....	Exempt.....	May 16, 1887
Charles K. Baker.....	Clark.....	Superintendent.....	A.....	January 1, 1888
Fred. H. Duell.....	Messenger.....	Superintendent.....	C.....	February 1, 1888

BANKING DEPARTMENT.

Willis S. Paine.....	.....	.....	Exempt.....	April 27, 1883
Josiah Van Vranken.....	.....	.....	A.....	August 2, 1883
Lawrence F. Cahill.....	.....	.....	A.....	July 15, 1883
James Gaffney.....	.....	.....	D.....	October 1, 1886
John Q. Adams.....	.....	.....	Temporary.....	.....
O. F. Richardson.....	.....	.....	Temporary.....	.....
Charles P. Marlette.....	.....	.....	A.....	.....
Henry C. Covell.....	.....	.....	A.....	December 1, 1887
John E. Wallace.....	.....	.....	B.....	February 13, 1888
John D. Moriarty.....	.....	.....	B.....	April 15, 1883
Eugene V. Daly.....	.....	Superintendent.....	B.....	November 26, 1888

INSURANCE DEPARTMENT.

Rubert A. Maxwell.....	.....	Governor.....	Exempt.....	January 14, 1886
William B. Rugles.....	.....	.....	A.....	January 1, 1886
Matthew H. Robertson.....	.....	.....	A.....	May 1, 1880
John A. Patterson.....	.....	.....	A.....	December 24, 1867
Michael Shannon.....	.....	.....	E.....	May 1, 1883
John A. Horan.....	.....	.....	E.....	July 1, 1883
Richard Goerdeler.....	.....	.....	E.....	April 13, 1885
Joseph R. Warren.....	.....	.....	A.....	September 12, 1887
A. L. Tompkins.....	.....	.....	A.....	February 1, 1887
Henry D. Appleton.....	.....	.....	E.....	June 1, 1883
William H. McCall.....	.....	.....	E.....	January 1, 1883
Isaac Vanderpoel.....	.....	.....	E.....	July 15, 1883
James E. Cross.....	.....	.....	E.....	January 15, 1878
Mark S. Eustace.....	.....	.....	E.....	January 1, 1884
Michael Nolan.....	.....	.....	E.....	June 1, 1883
Charles R. De Freest.....	.....	.....	E.....	November 4, 1883
James Baldwin.....	.....	.....	B.....	July 1, 1888
Nathaniel Hyatt.....	.....	.....	B.....	July 1, 1888
James H. G. Connell.....	.....	.....	B.....	January 1, 1884
M. B. Osborne.....	.....	.....	B.....	October 7, 1888
Thomas J. Bannon.....	.....	.....	B.....	October 3, 1883
John Gibson.....	.....	.....	B.....	November 1, 1886
Alexander Clark.....	.....	.....	B.....	February 27, 1883
John Boye.....	.....	.....	B.....	July 18, 1883
Thomas F. Behan.....	.....	.....	B.....	May 28, 1888
Mrs. F. V. Liston.....	.....	.....	B.....	December 1, 1884

APPENDIX F—INSURANCE DEPARTMENT—(Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
John F. Kennedy.....	Superintendent.....	\$900 00.....	D.....	December 8, 1884
David E. Mix.....	Superintendent.....	1,500 00.....	B.....	April 19, 1885
C. M. Odell.....	Superintendent.....	1,440 00.....	A.....	January 22, 1886

DEPARTMENT OF PUBLIC INSTRUCTION.

Andrew S. Draper.....	.....	.....	\$5,000 00.....	Exempt..	April 4, 1886
Charles R. Skinner.....	.....	.....	4,000 00.....	A.....	April 7, 1886
James W. Bentley.....	.....	.....	2,400 00.....	O.....	July 1, 1886
George B. Weaver.....	.....	.....	2,200 00.....	E.....	April 7, 1886
T. H. Ferris.....	.....	.....	1,800 00.....	E.....	April 7, 1886
Frank D. Shea.....	.....	.....	1,200 00.....	A.....	April 7, 1886
Edward C. Delano.....	.....	.....	1,500 00.....	B.....	September 1, 1886
Irene Brush.....	.....	.....	800 00.....	B.....	October 1, 1886
D. D. L. McCulloch.....	.....	.....	800 00.....	B.....	April 15, 1886
Aaron J. Oliver.....	.....	.....	500 00.....	D.....	July 1, 1887

RAILROAD COMMISSION.

.....	Railroad Commissioner.....	Governor.....	\$8,000 00.....	Exempt..	January 20, 1888
.....	Railroad Commissioner.....	.....	8,000 00.....	Exempt..	May 16, 1887
.....	Railroad Commissioner.....	.....	8,000 00.....	Exempt..	November 14, 1887
.....	Secretary.....	.....	4,000 00.....	A.....	March 20, 1888
.....	Accountant.....	.....	3,000 00.....	E.....	November 1, 1888
.....	Inspector.....	.....	3,000 00.....	O.....	July 1, 1884
.....	Bridge engineer.....	.....	1,800 00.....	O.....	June 10, 1884
.....	Marshal.....	.....	1,500 00.....	E.....	February 13, 1888
.....	Record clerk.....	.....	1,500 00.....	E.....	April 16, 1883
.....	.....	.....	1,500 00.....	O.....	October 1, 1884
.....	.....	.....	1,500 00.....	O.....	December 14, 1884
.....	.....	.....	1,000 00.....	O.....	February 13, 1883
.....	.....	Commissioners.....	600 00.....	B.....	January 23, 1888

BOARD OF CLAIMS.

George M. Beebe.....	Commissioner Board of Claims.....	Governor.....	\$4,000 00.....	Exempt..	April 27, 1888
Henry F. Allen.....	Commissioner Board of Claims.....	Governor.....	5,000 00.....	Exempt..	April 27, 1888
William L. Muller.....	Commissioner Board of Claims.....	Governor.....	5,000 00.....	Exempt..	April 8, 1886
Edwin M. Holbrook.....	Clerk.....	Board.....	3,000 00.....	A.....	June 5, 1888

John J. Benagan.....	Messenger.....	Board.....	600 00.....	O.....	December 22, 1894
James E. Kirk.....	Deputy clerk.....	Board.....	1,500 00.....	A.....	March 20, 1893
Thomas Watts.....	Stenographer.....	Board.....	1,500 00.....	C.....	May 15, 1893

BOARD OF HEALTH.

Lewis Balch, M. D.....	Secretary Board of Health.....	Board.....	\$3,500 00.....	A.....	March 3, 1896
Frederick Carmen.....	Assistant secretary.....	Board.....	2,500 00.....	B.....	August 11, 1891
F. G. Curtis, M. D.....	Medical expert.....	Board.....	1,500 00.....	O.....	July 11, 1893
Fergus Halpin.....	Messenger.....	Board.....	750 00.....	B.....	August 11, 1891
Addison Gallien.....	Registrar.....	Comptroller.....	1,500 00.....	E.....	December 15, 1893
O. F. Huddleston, M. D.....	Registrar.....	Comptroller.....	1,500 00.....	O.....	December 1, 1896
Thomas B. Jones.....	Registrar.....	Comptroller.....	1,200 00.....	B.....	December 1, 1896
Anna L. Maitmore.....	Typewriter.....	Board.....	750 00.....	B.....	December 1, 1895
Thomas O. Lawler.....	Registrar.....	Comptroller.....	1,200 00.....	B.....	.....

CIVIL SERVICE COMMISSION.

Daniel E. Skyles.....	Commissioner.....	Governor.....	\$2,000 00.....	Exempt.....	December 28, 1887
George H. Treadwell.....	Commissioner.....	.....	2,000 00.....	Exempt.....	December 28, 1887
James H. Manning.....	Commissioner.....	.....	2,000 00.....	Exempt.....	December 28, 1887
John B. Riley.....	.....	.....	3,600 00.....	A.....	December 28, 1887
Clarence B. Angie.....	.....	.....	1,500 00.....	A.....	March 1, 1894
John C. Birdseye.....	.....	Commissioners.....	1,200 00.....	B.....	June 1, 1894

BUREAU OF LABOR STATISTICS.

Charles F. Peck.....	Labor Commissioner.....	.....	\$3,000 00.....	Exempt.....	April 1, 1893
Edward J. Kean.....	Chief clerk.....	.....	2,000 00.....	A.....	September 1, 1895
David E. Mix.....	Stenographer.....	.....	1,500 00.....	C.....	September 1, 1895
William J. Stoops.....	Clerk.....	.....	1,000 00.....	B.....	September 1, 1895
Kate Shaffer.....	Clerk.....	.....	2 00 per day.....	B.....	September 1, 1895
Michael J. Reagan.....	Clerk.....	.....	4 00 per day.....	B.....	September 20, 1897
William Humphrey.....	Special agent.....	.....	4 00 per day.....	A.....	September 1, 1896
George Benzinger.....	Special agent.....	.....	4 00 per day.....	A.....	August 10, 1897
William Hackett.....	Special agent.....	.....	4 00 per day.....	A.....	June 11, 1898
George A. Stevens.....	Special agent.....	.....	4 00 per day.....	A.....	June 4, 1898
Charles Bloate.....	Special agent.....	.....	4 00 per day.....	A.....	June 4, 1898
William G. Johnson.....	Special agent.....	Commissioner.....	4 00 per day.....	A.....	August 4, 1898

FOREST COMMISSION.

Theodore B. Bassellin.....	Forest Commissioner.....	Governor.....	None.....	Exempt.....	May 15, 1895
Sherman W. Knevals.....	Forest Commissioner.....	Governor.....	None.....	Exempt.....	February 11, 1896
Townsend Cox.....	Forest Commissioner.....	Governor.....	None.....	Exempt.....	February 11, 1896
Abner L. Train.....	Secretary.....	Commissioners.....	\$2,400 00.....	A.....	September 30, 1896

APPENDIX F—FOREST COMMISSION—(Continued).

Commissioner.	Elected or appointed by.	Salary.	Schedule.	Date of entrance into position.
Samuel F. Garmon.....	Commissioners	\$2,400 00.....	D	September 30, 1893
Warden.....	Commissioners	2,000 00.....	E	September 30, 1893
Assistant warden.....	Commissioners	1,000 00.....	B	December 9, 1893
Inspector.....	Commissioners	600 00.....	B	July 9, 1893
Stenographer and type-writer.....	Commissioners	480 00.....	D	December 7, 1893
Forester.....	Commissioners	480 00.....	D	February 17, 1893
Forester.....	Commissioners	480 00.....	D	February 17, 1893
Forester.....	Commissioners	480 00.....	D	June 1, 1893
Forester.....	Commissioners	480 00.....	D	June 1, 1893
Forester.....	Commissioners	480 00.....	D	June 10, 1893
Forester.....	Commissioners	480 00.....	D	June 10, 1893
Forester.....	Commissioners	480 00.....	D	June 10, 1893
Forester.....	Commissioners	480 00.....	D	July 1, 1893
Clerk.....	Commissioners	780 00.....	B	October 16, 1897
Forester.....	Commissioners	480 00.....	D	January 1, 1893
Forester.....	Commissioners	480 00.....	D	February 16, 1893
Forester.....	Commissioners	480 00.....	D	March 8, 1893
Forester.....	Commissioners	480 00.....	D	April 15, 1893
Inspector (temporary).....	Commissioners	1,500 00.....	E	July 31, 1893

DAIRY COMMISSIONER.

Joel K. Brown.....	Dairy Commissioner.....	\$3,000 00.....	Exempt.	May 2, 1894
B. F. Van Valkenburgh.....	Assistant Dairy Commissioner.....	2,500 00.....	A	July 1, 1894
George L. Planders.....	Assistant Dairy Commissioner.....	2,000 00.....	A	May 31, 1894
M. A. Perry.....	Assistant Dairy Commissioner.....	2,000 00.....	A	December 1, 1894
P. J. Sudley.....	Assistant Dairy Commissioner.....	1,800 00.....	A	June 30, 1897
Almon T. Ney.....	Assistant Dairy Commissioner.....	1,200 00.....	A	September 1, 1898
R. D. Clark.....	Chemist.....	2,000 00.....	C	July 1, 1894
Russell W. Moore.....	Chemist.....	1,200 00.....	C	October 1, 1895
E. S. Wilson.....	Expert and agent.....	1,200 00.....	C	May 30, 1894
George B. Fellows.....	Expert and agent.....	1,200 00.....	C	May 21, 1894
T. C. Du Bois.....	Expert and agent.....	900 00.....	C	January 1, 1895
William W. Meatur.....	Expert and agent.....	900 00.....	C	August 22, 1894
J. R. Wheeler.....	Expert and agent.....	900 00.....	C	November 11, 1894
E. J. White.....	Expert and agent.....	900 00.....	C	December 10, 1894
Arch. D. Clark.....	Expert and agent.....	900 00.....	C	September 10, 1895
Charles Sears.....	Expert and agent.....	900 00.....	C	August 24, 1894
J. J. Borogan.....	Expert and agent.....	900 00.....	C	July 16, 1894
Thomas H. Gray.....	Expert and agent.....	900 00.....	C	September 1, 1894
O. O. Griffin.....	Expert and agent.....	900 00.....	C	September 1, 1894

James E. Ryan	Expert and agent.....	.....	1,200 00.....	.....	October 14, 1893
Simon Nusbaum	Expert and agent.....	.....	900 00.....	.....	July 1, 1893
James W. Walsh	Expert and agent.....	.....	900 00.....	.....	October 26, 1897
John H. Foley	Agent.....	.....	1,200 00.....	.....	November 1, 1897
P. D. Tutill	Assistant commissioner .....	.....	1,200 00.....	A	November 1, 1897
W. W. Hall	Cheese expert.....	.....	5 00 per day.....	.....	June 1, 1898
George A. Smith	Cheese expert.....	.....	5 00 per day.....	.....	June 1, 1898
P. D. Curtis	Butter expert.....	.....	5 00 per day.....	.....	June 13, 1898
John Gardiner	Expert and agent.....	.....	900 00.....	.....	July 1, 1898
John E. Cady	Expert and agent.....	.....	900 00.....	.....	July 1, 1898
James H. Brown	Agent .....	.....	1,200 00.....	.....	November 1, 1898
	Commissioner .....	.....		.....
	Commissioner .....	.....		.....

BOARD OF CHARITIES.

Charles S. Hoyt.....	Secretary.....	.....	\$5,000 00.....	A	June 5, 1893
James O. Fanning.....	Assistant secretary.....	.....	2,500 00.....	B	July 1, 1874
Julia S. Hoag.....	Temporary clerk.....	.....	2 50 per day.....	.....	.....
	Board.....	.....		.....
	Board.....	.....		.....
	Board.....	.....		.....

ADJUTANT-GENERAL.

.....	Adjutant-General .....	.....	\$2,000 00.....	Exempt.....	June 1, 1893
.....	Assistant Adjutant-General.....	.....	2,500 00.....	A	January 1, 1890
.....	Acting Assistant Adjutant-General.....	.....	1,800 00.....	E	January 1, 1890
.....	Chief clerk .....	.....	1,800 00.....	E	March 1, 1875
.....	Clerk.....	.....	1,500 00.....	E	January 1, 1890
.....	Clerk.....	.....	1,500 00.....	E	August 1, 1893
.....	Clerk.....	.....	1,500 00.....	E	August 1, 1893
.....	Messenger .....	.....	1,000 00.....	B	August 1, 1893
.....	Janitor .....	.....	800 00.....	D	December 1, 1893
.....	Superintendent Bureau of Military Statistics.....	.....	900 00.....	B	April 1, 1893
	Adjutant-General .....	.....		.....

INSPECTOR-GENERAL.

Emil Schaefer	Inspector-General.....	.....	.....	Exempt.....	June 1, 1893
Thomas H. McGrath.....	Assistant Inspector-General .....	.....	\$2,000 00.....	A	January 1, 1893
Garret Farrell	Chief clerk .....	.....	1,360 00.....	A	July 1, 1893
	Governor .....	.....		.....
	Governor .....	.....		.....
	Inspector-General.....	.....		.....

INSPECTOR OF RIFLE PRACTICE.

Charles F. Robbins.....	Inspector, Department of Rifle Practice.....	.....	.....	Exempt.....	January 1, 1893
N. B. Thurston	Clerk.....	.....	800 00.....	C	August 17, 1893
	Governor .....	.....		.....
	Inspector.....	.....		.....

APPENDIX F — COURT OF APPEALS.

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Gorham Parks	Clerk of Court of Appeals.....	Court	\$5,000 00.....	A	January 25, 1889
W. H. Shankland	Clerk.....	3,000 00.....	A	April 1, 1882
Hiram E. Sickles	Court	5,000 00.....	A .....	.....
Richard M. Barber	Clerk	2,900 00.....	E	February 1, 1889
Guy E. Baker	Clerk	1,500 00.....	E	April 1, 1891
William Honig	Clerk	1,500 00.....	E	February 1, 1889
Alfred B. Brodley	id clerk.....	Court	1,800 00.....	C	February 1, 1882
Buel O. Andrews	Court	1,500 00.....	C	June 26, 1883
William J. Hills.....	Court	1,500 00.....	C	January 26, 1884
Andrew J. Chester	Court	1,500 00.....	C	January 26, 1884
R. D. Cook.....	Court	1,500 00.....	C	October 1, 1884

BOARD OF REGENTS.

David Murray	Secretary	Regents	\$5,500 00.....	A	January 9, 1890
Albert B. Watkins	Assistant secretary.....	Regents	2,000 00.....	E	November 1, 1884
Edward I. Devlin	Commissioner of law students' examinations.....	Regents	2,500 00.....	B	June 22, 1891
Charles E. Hawkins	Inspector classes.....	Regents	2,500 00.....	C	January 14, 1886
H. I. Knickerbocker	Clerk	Regents	600 00.....	C	October 1, 1888
P. Lewis Anderson	Messenger	Regents	300 00.....	B	September 13, 1887
.....	Examiner	Regents	900 00.....	B	March 1, 1870
.....	Examiner	Regents	700 00.....	B	November 1, 1873
.....	Examiner	Regents	600 00.....	B	March 9, 1887
.....	Examiner	Regents	450 00.....	B	June 1, 1886
.....	Examiner	Regents	450 00.....	B	November 16, 1886
.....	Examiner	Regents	600 00.....	B	January 1, 1888
.....	Examiner	Regents .....	.....	B	January 1, 1888
.....	Stenographer and typewriter.....	Regents	500 00.....	B	January 1, 1888
.....	Clerk.....	Regents	1,500 00.....	B	July 1, 1888

NEW YORK STATE LIBRARY.

S. B. Griswold	Librarian law library	Regents	2,000 00.....	C	June 9, 1889
George R. Howell	Assistant librarian.....	Regents	1,800 00.....	C	February 15, 1872
Harry E. Griswold	Assistant librarian.....	Regents	900 00.....	C	July 14, 1880
D. V. R. Johnson	Assistant librarian	Regents	1,000 00.....	C	July 1, 1883
James R. Boynton	Assistant librarian and janitor.....	Regents	1,300 00.....	C	August 2, 1892
Berthold Fernow	Keeper records	Regents	1,500 00.....	E	January 1, 1880
John Gardiner.....	Porter	Regents	400 00.....	D	December 6, 1882

NEW YORK STATE MUSEUM OF NATURAL HISTORY.

James Hall	State geologist, etc.	Regents	3,500 00	.....	July	1887
J. R. Lintner	State entomologist.	Regents	2,000 00	.....	.....	19, 1881
C. H. Peck	State botanist.	Regents	1,500 00	.....	.....	1886
J. C. Smock	Assistant in charge State Museum	Regents	2,000 00	.....	April	1885
William B. Marshall	Assistant.	Regents	1,000 00	.....	April	12, 1887
J. M. Clarke	Assistant.	Regents	1,000 00	.....	January	1886
Martin Sheeny	Helper in charge of engine	Regents	1,500 00	.....	May	1887
C. Vandelooy	Helper and field collector	Regents	700 00	.....	.....	1887
O. E. Beecher	Consulting assistant	Regents	2 50 per day.	.....	January	1, 1883

ONONDAGA SALT SPRINGS.

P. J. Brumelkamp	Governor	Exempt.	\$1,500 00	.....	February	14, 1883
John M. Jaycox	Superintendent.	A	1,200 00	.....	March	15, 1883
Thomas Lane	Superintendent.	.....	1,200 00	.....	March	1, 1883
John O'Donnell	.....	.....	1,200 00	.....	March	1, 1883
Charles Demong	.....	.....	840 00	.....	March	1, 1883
J. Ebegetner, Jr.	.....	.....	600 00	.....	May	1, 1885
Peter Therre	.....	.....	600 00	.....	March	1, 1883
John Mahan	.....	.....	600 00	.....	March	1, 1883
William Punda	.....	.....	600 00	.....	May	1, 1886
W. A. Sherman	.....	.....	600 00	.....	May	1, 1883
O. W. Clark	.....	.....	600 00	.....	April	1, 1884
J. M. Betts	.....	.....	600 00	.....	April	1, 1883
James Brennan	.....	.....	600 00	.....	May	1, 1883
A. Blum	.....	.....	600 00	.....	May	1, 1886
James Madden	.....	.....	600 00	.....	May	1, 1883
Theo. McDonald	.....	.....	600 00	.....	March	1, 1883
John F. Davine	.....	.....	600 00	.....	June	1, 1885
John Lanigan	.....	.....	600 00	.....	March	1, 1883
John O'Connell	.....	.....	600 00	.....	March	1, 1883
J. Sherman	.....	.....	600 00	.....	March	1, 1883
N. Enders	.....	.....	600 00	.....	July	1, 1884
Stas Duell	.....	.....	600 00	.....	March	1, 1883
Edward Doran	.....	.....	600 00	.....	March	1, 1883
Samuel Hurst	.....	.....	600 00	.....	March	1, 1883
John Harvey	.....	.....	600 00	.....	April	1, 1884
M. P. Woods	.....	.....	840 00	.....	March	1, 1883
J. Kenyon	.....	.....	600 00	.....	May	1, 1884
Charles Parker	.....	.....	400 00	.....	March	1, 1883
John Scanlon	.....	.....	500 00	.....	March	1, 1883
John Marra	.....	.....	540 00	.....	March	1, 1883
Adam Artman	.....	.....	400 00	.....	May	1, 1884
M. Butler	.....	.....	600 00	.....	March	1, 1883
James Breen	.....	.....	600 00	.....	March	1, 1883
John Joy	.....	.....	15 per hour.	.....	May	1, 1883
Frank O'Neil	.....	.....	15 per hour.	.....	May	1, 1883
	.....	.....	15 per hour.	.....	September	1, 1886

APPENDIX F — ORONDAGA SALT SPRINGS — (Continued).

NAME	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Michael Carroll.....	Engineer.....	Superintendent.....	\$0 15 per hour.	C.....	May 1, 1883
R. Garrett.....	Engineer.....	.....	15 per hour.	C.....	May 1, 1883
M. Ryan.....	Engineer.....	.....	15 per hour.	C.....	April 1, 1884
O. Yonker.....	Engineer.....	.....	15 per hour.	C.....	.....
Andrew Muhl.....	Engineer.....	.....	15 per hour.	C.....	.....
Michael Newport.....	Engineer.....	.....	15 per hour.	C.....	July 1, 1884
Nicholas Goss.....	Carpenter.....	Superintendent.....	2 50 per day.	D.....	May 1, 1883

SUPERINTENDENT OF PUBLIC BUILDINGS.

Charles B. Andrews.....	Superintendent.....	.....	\$3,500 00.....	Exempt.....	June 1, 1883
A. F. Hitchcock.....	.....	.....	1,800 00.....	A.....	June 1, 1883
Clarence Griswold.....	.....	.....	1,500 00.....	A.....	November 1, 1887
R. E. Gove.....	.....	.....	1,800 00.....	B.....	June 1, 1883
W. J. Norwood.....	.....	.....	2,000 00.....	.....	June 1, 1883
Philip Russ.....	.....	.....	1,300 00.....	B.....	June 1, 1883
C. W. Fowler.....	engineer.....	.....	100 00 per m'th.	.....	June 1, 1883
William Finnigan.....	.....	.....	90 00 per m'th.	.....	June 1, 1883
Charles Scanlon.....	.....	.....	75 00 per m'th.	.....	June 1, 1883
Chris. Short.....	.....	.....	60 00 per m'th.	.....	November 1, 1885
R. A. Blackman.....	.....	.....	60 00 per m'th.	.....	December 1, 1886
Richard Crone.....	.....	.....	60 00 per m'th.	.....	December 1, 1886
Thomas Ryan.....	Fireman.....	.....	100 00 per m'th.	.....	June 1, 1886
William McDonald.....	Gas and water fitter.....	.....	100 00 per m'th.	.....	September 1, 1884
James Fahy.....	Electrician.....	.....	100 00 per m'th.	.....	September 1, 1883
F. J. Hillebrandt.....	Janitor.....	.....	100 00 per m'th.	.....	July 1, 1883
Henry Fairchild.....	Janitor.....	.....	60 00 per m'th.	Exempt.....	June 1, 1883
M. C. O'Neill.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	June 1, 1883
William Boyle.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	October 1, 1886
W. L. Childs.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	September 1, 1883
F. D. Carl.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	January 1, 1887
N. L. Dill.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	March 1, 1887
D. Fitzgerald.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	November 1, 1886
N. Grumbach.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	October 1, 1886
M. Gavan.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	August 1, 1887
W. G. Hawkins.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	November 1, 1886
John Hancock.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	October 1, 1886
M. J. McGuire.....	Mail clerk.....	.....	60 00 per m'th.	B.....	April 1, 1884
E. Marvin.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	December 1, 1886
E. Patchell.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	September 1, 1886
C. W. Kennell.....	Orderly.....	.....	60 00 per m'th.	Exempt.....	December 1, 1886

B. L. Stearns	Orderly	60 00 per m'th.	Exempt.	December	1, 1896
P. J. Vincent	Orderly	60 00 per m'th.	Exempt.	January	1, 1897
E. A. Whipple	Orderly	60 00 per m'th.	Exempt.	July	1, 1897
M. Dowd	Orderly	60 00 per m'th.	Exempt.	December	1, 1896
H. Darling	Orderly	60 00 per m'th.	Exempt.	April	1, 1896
Thomas Burns	Watchman	75 00 per m'th.	Exempt.	June	1, 1893
Charles Tiernan	Watchman	75 00 per m'th.	Exempt.	December	1, 1896
Albert Reed	Watchman	75 00 per m'th.	Exempt.	January	1, 1897
George Myers	Watchman	75 00 per m'th.	Exempt.	June	1, 1893
John Hourke	Watchman	75 00 per m'th.	Exempt.	January	1, 1896
O. Adkins	Watchman	75 00 per m'th.	Exempt.	February	1, 1896
I. Van Auker	Watchman	75 00 per m'th.	Exempt.	March	1, 1897
Thomas Reilly	Elevator man	75 00 per m'th.	Exempt.	June	1, 1893
William Magee	Elevator man	75 00 per m'th.	Exempt.	September	1, 1893
John Kinsella	Elevator man	75 00 per m'th.	Exempt.	February	1, 1895
M. Broderick	Elevator man	75 00 per m'th.	Exempt.	June	1, 1893
James Grady	Elevator man	75 00 per m'th.	Exempt.	February	1, 1896
A. P. Johnson	Porter	60 00 per m'th.	D.	June	1, 1893
H. E. Bishop	Porter	45 00 per m'th.	D.	June	1, 1896
H. Cole	Porter	60 00 per m'th.	D.	August	1, 1893
H. B. Franklin	Porter	45 00 per m'th.	D.	December	1, 1893
B. G. Hardy	Porter	45 00 per m'th.	D.	June	1, 1893
Charles London	Porter	45 00 per m'th.	D.	July	1, 1896
Thomas Tracy	Porter	45 00 per m'th.	D.	May	1, 1896
W. B. Wood	Porter	45 00 per m'th.	D.	June	1, 1893
W. Wilson	Porter	45 00 per m'th.	D.	May	1, 1896
E. Thompson	Portress	1 50 per day	D.	September	1, 1896
Sarah Robinson	Cleaner	1 00 per day	D.	June	1, 1893
Mrs. Kallenbach	Cleaner	1 00 per day	D.	May	1, 1895
Mrs. Martin	Cleaner	1 00 per day	D.	April	1, 1896
Mrs. McGonigle	Cleaner	1 25 per day	D.	June	1, 1897
Margaret Fahy	Cleaner	1 00 per day	D.	June	1, 1893
Mrs. Kimmer	Cleaner	1 00 per day	D.	May	1, 1896
Mrs. Lynch	Cleaner	1 00 per day	D.	May	1, 1893
Mrs. Hern	Cleaner	1 00 per day	D.	May	1, 1896
Mrs. Chickering	Cleaner	1 00 per day	D.	May	1, 1893
Mrs. Burns	Cleaner	1 25 per day	D.	May	1, 1896
A. Hillebrand	Cleaner	20 00 per m'th.	D.	December	1, 1897
H. Byer	Cleaner	20 00 per m'th.	D.	December	1, 1897
Domestic Foy	Foreman of laborers	75 00 per m'th.	D.	September	1, 1897
M. Smith	Laborer	18 per hour	D.	May	1, 1894
E. Lynch	Laborer	18 per hour	D.	December	1, 1893
John Earl	Laborer	18 per hour	D.	June	1, 1893
P. H. Byrnes	Laborer	18 per hour	D.	June	1, 1893
Eale Kingsley	Laborer	18 per hour	D.	June	1, 1895
J. A. Graham	Laborer	18 per hour	D.	April	1, 1896
P. Walsh	Laborer	18 per hour	D.	February	1, 1896
T. Fitzgerald	Laborer	18 per hour	D.	December	1, 1894
T. Buckley	Laborer	18 per hour	D.	September	1, 1896
M. Kelly	Laborer	18 per hour	D.	October	1, 1896
			D.	February	1, 1896

APPENDIX F — SUPERINTENDENT OF PUBLIC BUILDINGS — (Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
B. M. Lawrence.....	Laborer.....	Superintendent.....	\$0 18 per hour.	D.....	October 1, 1886
P. E. Cooney.....	Laborer.....	Superintendent.....	18 per hour.	D.....	January 1, 1884
Patrick Loftus.....	Laborer.....	Superintendent.....	18 per hour.	D.....	December 1, 1887
Thomas McElveny.....	Laborer.....	Superintendent.....	18 per hour.	D.....	December 1, 1887
John Ryan.....	Laborer.....	Superintendent.....	18 per hour.	D.....	November 1, 1887
James Johnson.....	Laborer.....	Superintendent.....	18 per hour.	D.....	November 1, 1887
James Darling.....	Laborer.....	Superintendent.....	18 per hour.	D.....	November 1, 1887
John L. Winnie.....	Laborer.....	Superintendent.....	18 per hour.	D.....	March 1, 1888
M. F. McGowan.....	Laborer.....	Superintendent.....	18 per hour.	D.....	November 1, 1888
H. Van Seyoc.....	Carpenter.....	Superintendent.....	60 00 per m'th.	D.....	December 1, 1886
William J. Gaylor.....	Carpenter.....	Superintendent.....	60 00 per m'th.	D.....	December 1, 1887
Richard Colgan.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	November 1, 1888
J. H. Francis.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	January 1, 1888
P. P. Fonda.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	January 1, 1888
P. Dockney.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	January 1, 1888
H. H. Honderer.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	February 1, 1888
J. Irvine.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	February 1, 1888
George B. Powell.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	February 5, 1888
Charles Eppenstein.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	February 6, 1888
J. H. Allen.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	November 1, 1886
D. C. Murphy.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	May 1, 1888
E. Harrington.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	June 1, 1888
Robert Gradwell.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	December 1, 1887
T. Callahan.....	Tallyman.....	Superintendent.....	100 00 per m'th.	D.....	June 1, 1888
James Gardner.....	Tallyman.....	Superintendent.....	65 00 per m'th.	D.....	March 1, 1886
T. B. Smith.....	Elevator man.....	Superintendent.....	60 00 per m'th.	D.....	July 1, 1888
Benjamin Deyo.....	Upholsterer.....	Superintendent.....	75 00 per m'th.	D.....	June 1, 1885
John Dennis.....	Porter.....	Superintendent.....	45 00 per m'th.	D.....	September 1, 1887
John Sheeran.....	Porter.....	Superintendent.....	45 00 per m'th.	D.....	November 1, 1887
P. Herkenham.....	Oiler.....	Superintendent.....	70 00 per m'th.	D.....	January 1, 1886
George Tallmadge.....	Fireman.....	Superintendent.....	60 00 per m'th.	D.....	November 1, 1886
M. Higgins.....	Lamp-trimmer.....	Superintendent.....	55 00 per m'th.	D.....	July 1, 1887
Robert Mosely.....	Engineer.....	Superintendent.....	75 00 per m'th.	D.....	December 1, 1887
T. J. Sheldon.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	September 1, 1888
M. M. Allen.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	December 1, 1888
John Harry.....	Orderly.....	Superintendent.....	60 00 per m'th.	Exempt.	December 1, 1888
W. H. Cunningham.....	Watchman.....	Superintendent.....	75 00 per m'th.	Exempt.	December 1, 1888
FACTORY INSPECTORS.					
James Connelly.....	Factory Inspector.....	Governor.....	\$2,000 00.....	Exempt.	May 18, 1886
John Fruey.....	Assistant Factory Inspector.....	Governor.....	1,500 00.....	A.....	May 18, 1886
John Jordan.....	Deputy factory Inspector, first district.....	Inspector.....	1,000 00.....	A.....	June 16, 1887

George A. McKay	Deputy factory inspector, ..	Inspector	1,000 00	A	June	15, 1887
Hiram Blanchard	Deputy factory inspector, ..	Inspector	1,000 00	A	June	15, 1887
James P. Hooley	Deputy factory inspector, ..	Inspector	1,000 00	A	June	15, 1887
George L. Guetig	Deputy factory inspector, ..	Inspector	1,000 00	A	June	15, 1887
Johnson Beers	Deputy factory inspector, ..	Inspector	1,000 00	A	June	15, 1887
George Shaubert	Deputy factory inspector, ..	Inspector	1,000 00	A	September	15, 1887
Francis U. Coe	Deputy factory inspector, ..	Inspector	1,000 00	A	June	15, 1887
Bertha L. Aschhoff	Private secretary	Inspector	600 00	O	July	1, 1888

BOARD OF ARBITRATION.

William Purcell	Commissioner	Governor	\$3,000 00	Exempt	June	1, 1887
Gilbert Robertson, Jr.	Commissioner	Governor	3,000 00	Exempt	June	1, 1887
F. F. Donovan	Commissioner	Governor	3,000 00	Exempt	June	1, 1887
Charles J. Madden	Secretary	Board	2,000 00	A	June	1, 1887

COMMISSIONER OF NEW CAPITOL.

Isaac G. Perry	Capitol	Exempt	\$7,500 00	Exempt	April	9, 1888
Edward W. Sewell .....	.....	.....	5 00 per day	B	April	12, 1888
S. O. Lacey .....	.....	.....	5 00 per day	B	June	27, 1888
J. K. Benway .....	.....	.....	5 00	D	May	16, 1888
O. H. Perry .....	.....	.....	4 50 per day	D	July	9, 1888
Q. M. Underwood .....	.....	.....	5 00 per day	B	June	27, 1888
H. B. Gardner .....	.....	.....	2 00 per day	B	August	20, 1888
J. C. A. Heriot .....	.....	.....	2 50 per day	B	September	17, 1888
C. R. La Rose .....	.....	.....	12½ per h'r.	B	June	27, 1888
F. A. Parkhurst .....	.....	.....	10 00 per week	B	August	27, 1888
John Buckingham .....	.....	.....	30 per hour	B	August	21, 1888
J. T. Reddington .....	.....	.....	30 per hour	B	August	30, 1888
D. J. Redmond .....	.....	.....	50 per hour	D	June	19, 1888
W. H. Richardson .....	.....	.....	50 per hour	D	June	24, 1888
A. V. O. De Graff	Commissioner .....	.....	20 per hour	B	June	23, 1888

AGRICULTURAL EXPERIMENT STATION (GENEVA).

Peter Collier	Board .....	.....	\$9,500 .....	.....	December	1, 1887
William P. Wheeler	Board .....	.....	1,200 .....	.....	December	1, 1887
Emmet S. Goff	Board .....	.....	33 33 per m'th. ....	.....	March	17, 1887
E. F. Ladd	Board .....	.....	150 00 per m'th. ....	.....	December	1, 1887
F. E. Newton	Board .....	.....	60 00 per m'th. ....	.....	January	1, 1884
G. W. Churchill	Board .....	.....	40 00 per m'th. ....	.....	April	1, 1884
Frank E. Emery	Board .....	.....	33 33 per m'th. ....	.....	February	1, 1888

43

Charles A. Clickering
Almon C. Greene.....
James S. Mitchell

[illegible]

APPENDIX F—OFFICERS OF THE ASSEMBLY—(Continued).

NAME.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Homer Webb.....	Assembly.....	\$6 00 per day..	.....	January 8, 1886
John R. Harlow.....	Assembly.....	5 00 per day..	.....	January 8, 1886
Charles H. McNaughton..	Assembly.....	5 00 per day..	.....	January 8, 1886
Charles A. Davenport.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Edward Whitman.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Edmund C. Lee.....	Speaker.....	5 00 per day..	.....	January 11, 1886
James H. Hyde.....	Speaker.....	5 00 per day..	.....	January 11, 1886
David Goodell.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Randolph C. Fuller.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Wilbur Estes.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Chester J. Moore.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Charles A. Brooks.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Charles B. Ball.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Ammon B. Farnum.....	Speaker.....	5 00 per day..	.....	January 11, 1886
David S. Siz.....	Speaker.....	5 00 per day..	.....	January 11, 1886
John McGonigal.....	Clerk.....	7 00 per day..	.....	January 11, 1886
William B. Starkey.....	Speaker.....	7 00 per day..	.....	January 11, 1886
Joseph Murray.....	Speaker.....	7 00 per day..	.....	January 11, 1886
Theodore Horton.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Luka Johnson.....	Speaker.....	5 00 per day..	.....	January 11, 1886
E. W. Adair.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Patrick H. Kelly.....	Speaker.....	5 00 per day..	.....	January 11, 1886
D. E. Wilds.....	Speaker.....	5 00 per day..	.....	January 11, 1886
George E. Gaige.....	Speaker.....	5 00 per day..	.....	January 11, 1886
John G. Schneider.....	Speaker.....	5 00 per day..	.....	January 11, 1886
Henry Jaquillard.....	Speaker.....	5 00 per day..	.....	January 11, 1886
J. L. Dailey.....	Speaker.....	5 00 per day..	.....	January 11, 1886
W. E. Jones.....	Speaker.....	5 00 per day..	.....	January 11, 1886
J. S. Sawyer.....	Clerk.....	5 00 per day..	.....	January 11, 1886
M. Brown.....	Clerk.....	5 00 per day..	.....	January 11, 1886
J. F. Rich.....	Clerk.....	5 00 per day..	.....	January 11, 1886
T. O. Weller.....	Clerk.....	5 00 per day..	.....	January 11, 1886
H. A. Hill.....	Clerk.....	5 00 per day..	.....	January 11, 1886
F. Carr.....	Clerk.....	5 00 per day..	.....	January 11, 1886
B. Blizard.....	Clerk.....	5 00 per day..	.....	January 11, 1886
F. Atkins.....	Clerk.....	5 00 per day..	.....	January 11, 1886
A. Dohbs.....	Clerk.....	5 00 per day..	.....	January 11, 1886
J. J. Nolan.....	Clerk.....	5 00 per day..	.....	January 11, 1886
E. M. Waggoner.....	Clerk.....	5 00 per day..	.....	January 11, 1886
W. Helme.....	Clerk.....	5 00 per day..	.....	January 11, 1886
J. C. Burn.....	Clerk.....	5 00 per day..	.....	January 11, 1886
P. Miller.....	Clerk.....	5 00 per day..	.....	January 11, 1886

CIVIL SERVICE COMMISSION.

H. H. Hinman	Page	Clerk	2 00 per day	January	11, 1888
E. I. Sautell	Page	Clerk	2 00 per day	January	11, 1888
D. D. Frisbie	Page	Clerk	2 00 per day	January	11, 1888
W. D. Oolby	Page	Clerk	2 00 per day	January	11, 1888
J. W. Rowley	Page	Clerk	2 00 per day	January	11, 1888
J. H. Baker	Page	Clerk	2 00 per day	January	11, 1888
C. H. Brown	Page	Clerk	2 00 per day	January	11, 1888
W. Wolf, Jr.	Page	Clerk	2 00 per day	January	11, 1888
M. D. Tracey	Page	Clerk	2 00 per day	January	11, 1888
G. L. Midlick	Page	Clerk	2 00 per day	January	11, 1888
L. A. Waldo	Stenographer, insurance committee	Assembly	6 00 per day	January	11, 1888
A. B. Sherwood	Stenographer, revision committee	Assembly	5 00 per day	January	11, 1888
C. H. Shanbaker	Page	Clerk	2 00 per day	January	11, 1888

SING SING PRISON.

A. A. Brush	Agent and warden	Supt. Prisons	\$3,500 00	April	1, 1880
A. L. Babcock	Clerk	Comptroller	2,000 00	March	15, 1878
Augusta Brush	Stenographer	Warden	600 00	September	24, 1888
James Connaughton	Principal keeper	Warden	1,500 00	April	4, 1883
Hiram Barber	Physician	Superintendent	2,000 00	May	17, 1880
S. W. Edgerton	Chaplain	Superintendent	2,000 00	April	15, 1880
G. H. Laraway	Storekeeper	Warden	1,200 00	March	1, 1877
L. M. Rodgers	Kitchen-keeper	Warden	1,200 00	March	1, 1883
Jesse Dixon	Hallkeeper	Warden	1,200 00	October	1, 1883
J. C. Beattie	Keeper	Warden	900 00	April	6, 1880
J. P. Brandt	Keeper	Warden	900 00	April	2, 1883
Daniel Brolley	Keeper	Warden	900 00	February	14, 1883
James Carroll	Keeper	Warden	900 00	May	24, 1880
Miles Carroll	Keeper	Warden	900 00	June	17, 1880
Alfred Conyes	Keeper	Warden	900 00	April	30, 1883
J. N. DeGroot	Keeper	Warden	900 00	March	6, 1878
Hugh Diamond	Keeper	Warden	900 00	December	17, 1879
J. B. Eaton	Keeper	Warden	900 00	May	10, 1880
J. J. Griffin	Keeper	Warden	900 00	October	1, 1879
C. P. Guernsey	Keeper	Warden	900 00	March	14, 1879
Michael Garvey	Keeper	Warden	900 00	August	3, 1880
W. G. Gale	Keeper	Warden	900 00	July	16, 1883
Paul Hart	Keeper	Warden	900 00	March	23, 1883
M. H. Holbrook	Keeper	Warden	900 00	April	1, 1880
James Jackson	Keeper	Warden	900 00	January	1, 1873
Thomas Mulligan	Keeper	Warden	900 00	January	3, 1885
James McCormick	Keeper	Warden	900 00	March	28, 1882
Hiram Osborn	Keeper	Warden	900 00	May	6, 1880
E. M. Pier	Keeper	Warden	900 00	April	1, 1880
N. Sperry	Keeper	Warden	800 00	May	3, 1878
H. J. Slavin	Keeper	Warden	900 00	April	12, 1877
C. E. Stephen	Keeper	Warden	900 00	May	17, 1880
H. J. Searles	Keeper	Warden	900 00	November	16, 1881

APPENDIX F—SING SING PRISON—(Continued).

	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Henry Scripture	Warden	\$900 00	B	October 30, 1880
M. J. Tiernan	Warden	900 00	B	September 17, 1877
J. W. Travis	Warden	900 00	B	July 19, 1880
G. Tenhagen	Warden	900 00	B	September 29, 1880
Benjamin Van Alstine	Warden	900 00	B	July 14, 1880
Henry Winans	Warden	900 00	B	April 1, 1880
H. C. Westlake	Warden	900 00	B	September 16, 1878
G. N. Bronson	Warden	900 00	B	December 1, 1886
J. W. Tompkins	Warden	900 00	B	February 18, 1887
William Fagen	Warden	900 00	B	May 10, 1880
Archelaus Felts	Warden	780 00	B	July 21, 1880
Lewis Hitchcock	Warden	780 00	B	January 1, 1876
J. H. Hopkins	Warden	780 00	B	October 1, 1883
Irving Jewell	Warden	780 00	B	December 4, 1883
Jackson Johnson	Warden	780 00	B	January 1, 1876
John Kelley	Warden	780 00	B	May 19, 1880
J. L. Knapp	Warden	780 00	B	May 1, 1881
E. B. Latham	Warden	780 00	B	2, 1880
M. T. Mullins	Warden	780 00	B	6, 1883
Harrison Marshall	Warden	780 00	B	January 4, 1883
Thomas Monahan	Warden	780 00	B	April 25, 1881
Edward Nolan	Warden	780 00	B	April 10, 1880
B. A. Smith	Warden	780 00	B	2, 1881
Leander See	Warden	780 00	B	May 22, 1881
Oliver Thomas	Warden	780 00	B	August 6, 1888
Alexander Van Wart	Warden	780 00	B	July 30, 1883
George Williams	Warden	780 00	B	April 1, 1881
James E. Whaley	Warden	780 00	B	September 15, 1887
M. De Forest Yates	Comptroller	1,500 00	C	January 1, 1888
Charles Hilbert	Warden	1,000 00	B	March 1, 1888
Thomas F. Quigley	Warden	780 00	B	March 1, 1888
Peter J. Nellis	Warden	780 00	B	July 2, 1888
Dennis Kerr	Warden	780 00	B	January 2, 1892
A. N. Ingersoll	Warden	780 00	B	July 21, 1888
	Warden	780 00	B	August 17, 1888
AUBURN PRISON.				
Charles F. Durston	Warden	\$3,500 00	C	July 1, 1887
Albert L. Childs	Comptroller	2,000 00	C	July 1, 1887
Ira K. Irish	Comptroller	1,200 00	C	August 26, 1890
Conant Sawyer	Supt of prisons	2,000 00	C	August 10, 1898

William H. Boyle	Chaplain	Superintendent	2,000 00	A	.....	July	26, 1876
David B. McNeill	Principal keeper	Superintendent	1,500 00	E	.....	May	30, 1877
John S. Brown	Storekeeper	Warden	1,200 00	B	.....	July	2, 1877
John J. Smith	Hallkeeper	Warden	1,200 00	B	.....	December	12, 1879
Lawrence White	Acting yardmaster	Warden	1,200 00	B	.....	June	2, 1883
George W. Allen	Kitchen-keeper	Warden	900 00	B	.....	March	1, 1883
James R. Angel	Keeper	Warden	900 00	B	.....	October	1, 1883
Herbert D. Babbitt	Keeper	Warden	900 00	B	.....	May	1, 1877
Isaac C. Bowen	Keeper	Warden	900 00	B	.....	April	3, 1882
John Bray	Keeper	Warden	900 00	B	.....	February	14, 1881
George N. Carr	Keeper	Warden	900 00	B	.....	August	27, 1881
John S. Clohecy	Keeper	Warden	900 00	B	.....	March	9, 1883
James Corbitt	Keeper	Warden	900 00	B	.....	June	30, 1885
J. S. Eggleston	Keeper	Warden	900 00	B	.....	February	19, 1883
James Hanlon	Keeper	Warden	900 00	B	.....	January	6, 1880
Ackley Hill	Keeper	Warden	900 00	B	.....	May	2, 1877
Zebulon Holmes	Keeper	Warden	900 00	B	.....	January	16, 1873
George Jenkins	Keeper	Warden	900 00	B	.....	January	30, 1882
C. M. McKeegan	Keeper	Warden	900 00	B	.....	August	20, 1886
S. L. Meddaugh	Keeper	Warden	900 00	B	.....	January	31, 1883
Samuel C. Miller	Keeper	Warden	900 00	B	.....	April	30, 1879
Jacob H. Parsons	Keeper	Warden	900 00	B	.....	March	18, 1881
David Bisedorph	Keeper	Warden	900 00	B	.....	February	28, 1883
Henry J. Rhodes	Keeper	Warden	900 00	B	.....	November	17, 1880
Simpson D. Travis	Keeper	Warden	900 00	B	.....	March	31, 1883
Allen P. Tupper	Keeper	Warden	900 00	B	.....	October	1, 1881
Elijah Woodward	Keeper	Warden	900 00	B	.....	June	1, 1876
Henry G. Wyckoff	Keeper	Warden	900 00	B	.....	May	16, 1887
P. E. Spaulding	Keeper	Warden	900 00	B	.....	February	8, 1887
T. E. Desroches	Keeper	Warden	900 00	B	.....	June	17, 1886
John M. Devore	Keeper	Warden	900 00	B	.....	April	30, 1887
David E. Gay	Keeper	Warden	900 00	B	.....	August	10, 1887
D. C. Harrigan	Keeper	Warden	900 00	B	.....	September	22, 1887
Benjamin C. Wilson	Keeper	Warden	900 00	B	.....	August	9, 1880
Almon Boya	Keeper	Warden	900 00	B	.....	September	1, 1888
Wilbur J. Baker	Acting sergeant of guard	Warden	900 00	B	.....	January	4, 1884
Charles M. Blodgett	Guard	Warden	780 00	B	.....	December	20, 1887
Hartman Carr	Guard	Warden	780 00	B	.....	September	18, 1883
W. W. Clifton	Guard	Warden	780 00	B	.....	February	15, 1883
J. Burt Graves	Guard	Warden	780 00	B	.....	March	10, 1886
Owon Foster	Guard	Warden	780 00	B	.....	March	12, 1883
Thomas H. Gorman	Guard	Warden	780 00	B	.....	January	24, 1886
Charles A. Keyes	Guard	Warden	780 00	B	.....	February	1, 1888
James Griffin	Guard	Warden	780 00	B	.....	May	31, 1880
James Kuddy	Guard	Warden	780 00	B	.....	July	9, 1886
Nathan Sheldon	Guard	Warden	780 00	B	.....	August	16, 1883
John P. Winters	Guard	Warden	780 00	B	.....	February	26, 1888
James McKinlay	Guard	Warden	780 00	B	.....	February	16, 1888
John S. Stickles	Guard	Warden	780 00	B	.....	February	16, 1888

APPENDIX F—AUBURN PRISON—(Continued).

	Elected or appointed by	Salary.	
Edward H. Welner	Warden	\$750 00	December 20, 1887
George I. Brown	Warden	800 00	September 20, 1887
E. W. Allen	Warden	750 00	October 1, 1887
William O'Connor	Warden .....	.....	February 15, 1876
Lawrence Donlan	Warden .....	.....	February 15, 1876
Guy M. Clark	Warden	650 00	August 1, 1887
BOOT AND SHOE MANUFACTORY.			
Superintendent	Warden	1,300 00	December 26, 1886
Packer and shipper	Warden	1,500 00	December 27, 1884
Foreman	Warden	900 00	December 27, 1884
Foreman, leather department	Warden	1,500 00	December 26, 1884
Assistant foreman, leather department	Warden	3 50 per day	December 27, 1884
Foreman, freemaking department	Warden	3 50 per day	December 27, 1884
Assistant foreman, bottoming-room	Warden	3 00 per day	December 26, 1884
Cutter and sorter	Warden	3 25 per day	May 1, 1886
Cutter and packer	Warden	3 00 per day	January 2, 1886
Cutter	Warden	2 00 per day	March 31, 1885
Cutter	Warden	3 00 per day	December 27, 1884
Cutter	Warden	3 00 per day	December 27, 1884
Cutter	Warden	3 00 per day	December 30, 1884
Cutter	Warden	1 75 per day	December 30, 1884
Cutter	Warden	2 75 per day	January 17, 1885
Cutter	Warden	1 50 per day	April 22, 1885
Cutter	Warden	1 50 per day	May 18, 1885
Cutter	Warden	2 50 per day	January 19, 1885
Cutter	Warden	2 25 per day	March 8, 1886
Cutter in erimp-room	Warden	2 00 per day	December 27, 1884
Fireman	Warden	2 00 per day	December 27, 1884
Instructor, bottoming-room	Warden	2 50 per day	December 30, 1887
Cutter and assorter	Warden	3 00 per day	April 31, 1887
Instructor, finishing-room	Warden	3 25 per day	March 30, 1887
Foreman, fitting-room	Warden	3 25 per day	March 22, 1886
Cutter	Warden	2 50 per day	October 4, 1886
Cutter	Warden	2 50 per day	October 4, 1886
Instructor, bottoming-room	Warden	3 00 per day	July 30, 1887

HOLLOW WARE DEPARTMENT.

Fred. L. Crouch.....	Shipping clerk.....	Warden.....	900 00.....	D.....	March.....	4, 1887
W. J. Woodcock.....	Machinist and engineer.....	Warden.....	3 50 per day..	D.....	March.....	5, 1887
L. M. Russell.....	Pattern maker.....	Warden.....	3 00 per day..	D.....	March.....	5, 1887
J. N. Shaughnessy.....	Instructor in foundry.....	Warden.....	3 25 per day..	D.....	March.....	4, 1887
Dennis Shea.....	Instructor in foundry.....	Warden.....	3 00 per day..	D.....	March.....	4, 1887
J. B. Crowley.....	Foreman in enamel-room ..	Warden.....	3 00 per day..	D.....	March.....	5, 1887
Christopher Kimball.....	Laborer.....	Warden.....	2 00 per day..	D.....	March.....	4, 1887

BROOM DEPARTMENT.

Edward Streuve.....	Superintendent.....	Warden.....	1,000 00.....	D.....	November.....	1, 1887
H. W. Rogers.....	Instructor.....	Warden.....	2 50 per day..	D.....	August.....	15, 1887

CLINTON PRISON.

Isaiah Fuller.....	Agent and warden.....	Supt. of Prisons.....	\$3,500 00.....	C.....	July.....	16, 1879
C. E. Martin.....	Clerk.....	Comptroller.....	2,000 00.....	C.....	February.....	8, 1884
F. G. Wickham.....	Assistant clerk.....	Comptroller.....	1,200 00.....	C.....	September.....	9, 1886
J. H. Smith.....	Physician.....	Superintendent.....	2,000 00.....	C.....	June.....	1, 1880
J. W. McIlwaine.....	Chaplain.....	Superintendent.....	2,000 00.....	A.....	October.....	1, 1883
James Moon.....	Principal keeper.....	Warden.....	1,500 00.....	E.....	March.....	27, 1877
J. C. Russell.....	Acting kitchen keeper.....	Warden.....	842 00.....	B.....	January.....	1, 1880
M. Haggerty.....	Hall-keeper.....	Warden.....	900 00.....	B.....	January.....	28, 1876
John Thompson.....	Yard-keeper.....	Warden.....	900 00.....	B.....	July.....	1, 1877
J. P. Nash.....	Keeper.....	Warden.....	600 00.....	B.....	January.....	29, 1876
W. F. Haley.....	Keeper.....	Warden.....	900 00.....	B.....	September.....	17, 1877
S. Allen.....	Keeper.....	Warden.....	900 00.....	B.....	October.....	5, 1879
A. Chase.....	Keeper.....	Warden.....	900 00.....	B.....	July.....	1, 1880
James Clancy.....	Keeper.....	Warden.....	900 00.....	B.....	January.....	1, 1884
C. B. Mendes.....	Keeper.....	Warden.....	900 00.....	B.....	March.....	1, 1878
John A. Shine.....	Keeper.....	Warden.....	900 00.....	B.....	September.....	1, 1883
J. F. McGowan.....	Keeper.....	Warden.....	900 00.....	B.....	January.....	1, 1884
John Foy.....	Keeper.....	Warden.....	900 00.....	B.....	June.....	1, 1881
J. H. Mulvey.....	Keeper.....	Warden.....	900 00.....	B.....	January.....	21, 1880
W. L. Mead.....	Keeper.....	Warden.....	900 00.....	B.....	January.....	12, 1882
J. Ellenwood.....	Keeper.....	Warden.....	900 00.....	B.....	December.....	31, 1883
E. Lewis.....	Keeper.....	Warden.....	900 00.....	B.....	May.....	1, 1882
John Myers.....	Keeper.....	Warden.....	900 00.....	B.....	September.....	5, 1887
James S. Hart.....	Sergeant guard.....	Warden.....	900 00.....	B.....	March.....	27, 1882
J. S. Nash.....	Guard.....	Warden.....	780 00.....	B.....	February.....	15, 1881
W. H. Morey.....	Guard.....	Warden.....	780 00.....	B.....	March.....	1, 1882
B. McGregor.....	Guard.....	Warden.....	780 00.....	B.....	December.....	5, 1882
H. D. Kingsley.....	Guard.....	Warden.....	780 00.....	B.....	March.....	8, 1883
Charles Moon.....	Guard.....	Warden.....	780 00.....	B.....	December.....	13, 1879
M. Van Gorder.....	Guard.....	Warden.....	780 00.....	B.....	February.....	24, 1887
James Conway.....	Guard.....	Warden.....	780 00.....	B.....	September.....	10, 1887

APPENDIX F—CLINTON PRISON — (Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
J. F. Keenan.....	Guard.....	Warden.....	\$780 00.....	B.....	August 12, 1887
James McGraw.....	Guard.....	Warden.....	780 00.....	B.....	September 5, 1887
Edward P. Miller.....	Guard.....	Warden.....	780 00.....	B.....	September 5, 1887
D. E. Spellman.....	Guard.....	Warden.....	780 00.....	B.....	February 20, 1888
James Murphy.....	Guard.....	Warden.....	780 00.....	B.....	February 20, 1888
Henry Witte.....	Guard.....	Warden.....	780 00.....	B.....	June 30, 1888
Robert Long.....	Guard.....	Warden.....	780 00.....	B.....	June 30, 1888
William Clark.....	Keeper.....	Warden.....	900 00.....	B.....	June 30, 1888
Thomas B. Cotter.....	Guard.....	Warden.....	780 00.....	B.....	August 20, 1888
John O'Brien.....	Guard.....	Warden.....	780 00.....	B.....	September 26, 1888
T. W. Murray.....	Guard.....	Warden.....	780 00.....	B.....	September 29, 1888
Joseph Robarge.....	Guard.....	Warden.....	780 00.....	B.....	December 1, 1888

ELMIRA REFORMATORY.

Z. R. Brockway.....	Superintendent.....	Managers.....	\$3,500 00.....	C.....	February 8, 1880
I. P. Winnie.....	Principal keeper.....	Superintendent.....	1,000 00.....	B.....	June 13, 1877
H. B. Brockway.....	Transfer officer.....	Superintendent.....	900 00.....	B.....	March 1, 1883
Oscar Hoppe.....	Clerk.....	Superintendent.....	900 00.....	B.....	January 1, 1879
H. D. Wey.....	Physician.....	Superintendent.....	900 00.....	C.....	January 1, 1877
Rev. J. J. Bloomer.....	Catholic instructor.....	Superintendent.....	240 00.....	A.....	January 19, 1876
John Ennis.....	Farmer.....	Superintendent.....	480 00.....	D.....	May 10, 1880
F. C. Rich.....	Gardner.....	Superintendent.....	480 00.....	D.....	January 1, 1878
H. Clay Hanford.....	Engineer.....	Superintendent.....	840 00.....	D.....	January 15, 1880
P. O. Rickey.....	Night watchman.....	Superintendent.....	720 00.....	D.....	November 1, 1880
C. Warren.....	Yard keeper.....	Superintendent.....	600 00.....	B.....	May 1, 1880
Thomas McLoughlin.....	Overseer.....	Superintendent.....	480 00.....	B.....	November 21, 1884
Samuel F. Smith.....	Overseer.....	Superintendent.....	480 00.....	B.....	December 6, 1886
D. A. Gardner.....	Overseer.....	Superintendent.....	420 00.....	B.....	July 24, 1876
B. Spencer.....	Guard.....	Superintendent.....	420 00.....	B.....	June 14, 1886
Henry F. Lane.....	Guard.....	Superintendent.....	480 00.....	B.....	November 5, 1888
R. K. Miller.....	Guard.....	Superintendent.....	360 00.....	B.....	November 13, 1888
C. O. Bennett.....	Guard.....	Superintendent.....	360 00.....	B.....	August 1, 1887
C. C. Mix.....	Guard.....	Superintendent.....	360 00.....	B.....	June 23, 1886
John Bigley.....	Guard.....	Superintendent.....	360 00.....	B.....	August 23, 1887
Elf Beary.....	Guard.....	Superintendent.....	360 00.....	B.....	August 1, 1887
M. C. Barbour.....	Guard.....	Superintendent.....	360 00.....	B.....	January 1, 1884
Ernest Jentz.....	Tailor.....	Superintendent.....	600 00.....	D.....	August 15, 1884
George Tremaine.....	Blacksmith.....	Superintendent.....	600 00.....	D.....	August 3, 1885
James P. McCanna.....	Shoemaker.....	Superintendent.....	600 00.....	D.....	March 19, 1885
H. F. Bush.....	Telegraph operator.....	Superintendent.....	600 00.....	B.....	August 19, 1885

Floyd T. Short	Inspector in stenography..	Superintendent.....	400 00.....	B	July	31, 1886
Louis Daignaux .....	.....	Superintendent.....	* 50 per day.	D	September	1, 1886
Frank A. La Pointe .....	.....	Superintendent.....	600 00.....	D	September	22, 1887
A. Magnusson.....	.....	Superintendent.....	1 75 per day.	D	July	1, 1887
Thomas Oliver.....	.....	Superintendent.....	360 00.....	D	August	8, 1887
Oscar Thompson .....	.....	Superintendent.....	340 00.....	D	November	23, 1886
Fred Weick .....	.....	Superintendent.....	490 00.....	D	September	7, 1887
C. J. Dutton.....	.....	Superintendent.....	360 00.....	D	November	2, 1885
Ira Casterline.....	.....	Superintendent.....	360 00.....	D	June	10, 1887
J. O. Butts .....	.....	Superintendent.....	360 00.....	D	August	8, 1887
Thomas Murray.....	.....	Superintendent.....	240 00.....	D	September	26, 1887
Charles Magrady .....	.....	Superintendent.....	360 00.....	B	November	9, 1887
Fred. C. Cooper.....	.....	Superintendent.....	360 00.....	B	December	24, 1886
B. H. Decker.....	.....	Superintendent.....	360 00.....	B	February	16, 1888
A. Baudorf .....	.....	Superintendent.....	360 00.....	B	March	12, 1888
W. H. Utter .....	.....	Superintendent.....	1,200 00.....	D	October	3, 1887
A. B. Clark .....	.....	Superintendent.....	1 75 per day.	D	November	21, 1887
Christopher Gartland .....	.....	Superintendent.....	800 00.....	B	November	1, 1886
W. L. Brown.....	.....	Superintendent.....	900 00.....	D	December	7, 1887
George Weisleder.....	.....	Superintendent.....	600 00.....	D	December	12, 1887
W. M. Horrick .....	.....	Temporary.....	2 75 per day.	D	June	6, 1888
J. L. Munn.....	.....	Temporary.....	2 25 per day.	D	February	13, 1888
Charles Woodward .....	.....	Temporary.....	400 00.....	D	March	1, 1888
H. H. Pritler.....	.....	Temporary.....	840 80.....	D	March	27, 1888
Jacob Brinthaup.....	.....	Superintendent.....	360 00.....	D	October	1, 1887
Patrick Flynn .....	.....	Superintendent.....	400 00.....	D	November	4, 1887
J. J. Devlin .....	.....	Superintendent.....	300 00.....	D	January	3, 1888
John T. Ryne .....	.....	Superintendent.....	360 00.....	D	February	1, 1888
J. V. Shaljian.....	.....	Superintendent.....	180 00.....	D	February	1, 1888
Ramuel T. Sample .....	.....	Superintendent.....	240 00.....	D	March	17, 1888
Jesse S. McNish .....	.....	Superintendent.....	420 00.....	B	April	2, 1888
James L'agenby .....	.....	Superintendent.....	480 00.....	B	May	17, 1888
W. C. Maston.....	.....	Superintendent.....	360 00.....	B	September	1, 1888
John Berthold .....	.....	Superintendent.....	420 00.....	B	July	1, 1888
James Lyman.....	.....	Superintendent.....	360 00.....	D	June	19, 1888
R. A. Boyman .....	.....	Superintendent.....	360 00.....	D	November	3, 1888
B. M. Tashjian .....	.....	Superintendent.....	360 00.....	B	July	10, 1888
K. Ogimura.....	.....	Superintendent.....	50 00.....	D	August	21, 1888
Frank Carpenter.....	.....	Superintendent.....	360 00.....	D	September	21, 1888
George N. Jackson.....	.....	Superintendent.....	360 00.....	B	September	8, 1888
W. H. Burgett.....	.....	Superintendent.....	360 00.....	B	September	19, 1888
Luke Halpin.....	.....	Superintendent.....	360 00.....	B	October	18, 1888
P. J. Howle.....	.....	Superintendent.....	360 00.....	B	November	9, 1888
		Superintendent.....	360 00.....	B	December	1, 1888

• Without board.

APPENDIX F -- (Continued).
INDUSTRIAL SCHOOL, ROCHESTER.

NAME.	Title of position.	Elected or appointed by	Salary.		Date of entrance into position.
Irving Washington	Superintendent.	Trustees	\$3,500 00	U	March, 1899
W. W. Murray	Assistant superintendent.		1,200 00	B	February, 1898
Albert S. Little	Principal teacher, first division.		900 00	B	March, 1898
A. G. Knapp	Principal teacher, second division.		900 00	B	January, 1898
W. C. Orumpaugh	Steward.		900 00	O	January, 1894
C. W. Wall	Clerk		1,200 00	B	January, 1899
Rev. P. T. Lynn	Chaplain.		1,000 00	A	April, 1898
Rev. W. H. Harrington	Chaplain		1,000 00	A	April, 1899
Azel Backus, M. D.	Physician		1,000 00	A	February, 1899
Miss E. J. Alley	Teacher	Superintendent	420 00	B	April, 1891
Miss Anna M. Thomas	Teacher	Superintendent	420 00	B	September, 1897
Miss Anna M. Hollenbeck	Teacher	Superintendent	420 00	B	September, 1898
Miss M. A. De Poe	Teacher	Superintendent	420 00	B	September, 1896
Mrs. C. A. Murphy	Teacher	Superintendent	420 00	B	September, 1899
Miss Lizzie Nelson	Teacher	Superintendent	420 00	B	November, 1896
Miss L. Purcell	Teacher	Superintendent	420 00	B	March, 1894
Miss H. L. Brace	Teacher	Superintendent	420 00	B	November, 1893
Miss Getta V. Clackner	Teacher	Superintendent	420 00	B	September, 1896
W. P. Curtin	Gatekeeper	Superintendent	540 00	D	December, 1890
Thomas J. Curtin	Patrolman	Superintendent	540 00	D	July, 1879
Charles W. Allen	Carpenter.	Superintendent	540 00	D	March, 1884
Daniel Marshall	Gardener	Superintendent	540 00	D	January, 1871
Joseph Wechter	Farmer	Superintendent	540 00	D	April, 1876
F. H. Fallis	Engineer	Superintendent	540 00	D	November, 1898
William Jones	Shoemaker.	Superintendent	540 00	D	October, 1874
Henry C. Hauser	Tailor	Superintendent	540 00	D	November, 1898
William Schulz	Baker.	Superintendent	540 00	D	August 7, 1898
Hiram Davis	Laundryman	Superintendent	540 00	D	March, 1898
C. A. Dutcher	Instructor in painting.	Superintendent	540 00	D	February, 1896
H. Van Dyne	Instructor in carpentering	Superintendent	540 00	D	September, 1897
C. Guenther	ent.	Superintendent	540 00	D	June, 1897
Michael Ebay	ent.	Superintendent	540 00	D	October 29, 1898
John Biesenbach	ent.	Superintendent	540 00	D	April, 1897
R. O. Fulton	ent.	Superintendent	540 00	D	September, 1897
F. A. Vandenburgh	ent.	Superintendent	540 00	D	May, 1897
F. B. Raymond	ent.	Superintendent	540 00	D	July 18, 1898
John McCormick	ent.	Superintendent	540 00	D	July, 1899
James Dowd	Night watchman	Superintendent	540 00	D	May, 1897
D. E. Baldwin	Night watchman	Superintendent	540 00	D	October, 1897
T. W. Parsons	Night watchman	Superintendent	540 00	D	January, 1898

H. J. Doane.....	Superintendent.....	540 00.....	June, 1866
Walter G. Perry.....	Superintendent.....	420 00.....	June, 1870
James Robertson.....	Superintendent.....	300 00.....	August 7, 1868
J. T. Culhane.....	Superintendent.....	540 00.....	November, 1867
Mrs. M. B. Walling.....	Superintendent.....	400 00.....	November, 1867
Miss R. M. Althen.....	Superintendent.....	300 00.....	December, 1867
Miss Alice Sheridan.....	Superintendent.....	420 00.....	July, 1867
Mrs. M. P. O'Kelly.....	Superintendent.....	420 00.....	October, 1867
Mrs. Elizabeth Northrup.....	Superintendent.....	300 00.....	September 1, 1868
Katharine Kelly.....	Superintendent.....	300 00.....	December, 1868
Minerva Sage.....	Trustee.....	300 00.....	June, 1868
Mrs. Mary K. Boyd.....	Superintendent.....	1,000 00.....	October, 1876
Miss L. Pierce.....	Superintendent.....	420 00.....	September, 1892
Miss Alice E. Curtin.....	Superintendent.....	420 00.....	March, 1878
Miss C. M. Joslyn.....	Superintendent.....	420 00.....	July, 1890
Miss Loretta Woodson.....	Superintendent.....	420 00.....	October, 1867
Mrs. H. R. Robinson.....	Superintendent.....	300 00.....	August, 1879
Miss M. E. Neely.....	Superintendent.....	300 00.....	October, 1876
Mrs.	Superintendent.....	300 00.....	January, 1878
Mrs.	Superintendent.....	300 00.....	July, 1883
Mrs.	Superintendent.....	300 00.....	August, 1884
Miss	Superintendent.....	300 00.....	August, 1867
Miss	Superintendent.....	300 00.....	May, 1867
Mrs. E. M. Roberts.....	Superintendent.....	300 00.....	September, 1867
John Schue.....	Engineer.....	300 00.....	October, 1878
H. A. Sherrill.....	Pattern maker.....	540 00.....	October, 1868
Horace Boland.....	Teamster.....	180 00.....	November 1, 1868
Mrs. Mary A. Harrows.....	Housekeeper.....	300 00.....	November 1, 1868
David Snaker.....	Night fireman*.....	540 00.....	December 18, 1868
Vincent M. Maeten.....	Military instructor.....	1,000 00.....	December 17, 1868
Mrs. Mary Ireton.....	Cook.....	420 00.....	December 24, 1868
Charles G. Wilcox.....	Assistant cook.....	300 00.....	December 23, 1868

WILLARD ASYLUM.

P. M. Wise, M. D.....	Superintendent.....	34 000 00.....	September 1, 1884
H. E. Allard.....	First assistant physician.....	1,800 00.....	August 2, 1878
A. Nellis, Jr.....	Assistant physician.....	1,200 00.....	December 9, 1878
H. G. Hopkins.....	Assistant physician.....	1,200 00.....	October 3, 1874
W. E. Sylvester.....	Assistant physician.....	900 00.....	May 1, 1881
G. B. Bristol.....	Assistant physician.....	800 00.....	April 1, 1882
Myron D. Blaine.....	Assistant physician.....	800 00.....	April 1, 1883
Morris J. Gilbert.....	Steward.....	1,600 00.....	January 11, 1873
Juliet W. Wyman.....	Matron.....	600 00.....	January 1, 1886

* Temporary.

Peter Finnegan.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	April.....	1, 1880
Nicholas Durlin.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	October.....	4, 1883
Emily R. Daines.....	Attendant.....	Superintendent.....	23 00 per m'th.	D	October.....	14, 1885
Mary Ella Waugh.....	Attendant.....	Superintendent.....	22 00 per m'th.	D	March.....	19, 1883
Rose Connor.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	June.....	20, 1888
Jamima Wilson.....	Supervisor.....	Superintendent.....	25 00 per m'th.	D	September.....	19, 1887
Mary Ann Halligan.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	November.....	4, 1874
Bridget Cully.....	Attendant.....	Superintendent.....	23 00 per m'th.	D	March.....	21, 1884
Walter E. Harris.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	July.....	8, 1884
Mary Sturgis.....	Supervisor.....	Superintendent.....	25 00 per m'th.	D	May.....	1, 1884
Bridget McGrane.....	Attendant.....	Superintendent.....	25 00 per m'th.	D	May.....	24, 1873
Mary Ann McKenna.....	Attendant.....	Superintendent.....	25 00 per m'th.	D	April.....	14, 1888
Maria C. Kinney.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	February.....	8, 1887
Caroline Hennrich.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	September.....	6, 1887
Marzaret Irwin.....	Attendant.....	Superintendent.....	20 00 per m'th.	D	May.....	20, 1886
Rusan McNally.....	Attendant.....	Superintendent.....	22 00 per m'th.	D	May.....	20, 1886
Catharine A. Speer.....	Attendant.....	Superintendent.....	22 00 per m'th.	D	June.....	6, 1884
Elizabeth M. Halligan.....	Laundry.....	Superintendent.....	20 00 per m'th.	D	July.....	4, 1883
Dora J. Williamson.....	Supervisor.....	Superintendent.....	20 00 per m'th.	D	July.....	1, 1878
Eliza Gardiner.....	Attendant.....	Superintendent.....	25 00 per m'th.	D	May.....	6, 1883
Bartholomew O'Neil.....	Attendant.....	Superintendent.....	15 00 per m'th.	D	January.....	1, 1873
Catharine Cronan.....	Attendant.....	Superintendent.....	15 00 per m'th.	D	September.....	14, 1884
George W. Piersol.....	Attendant.....	Superintendent.....	16 00 per m'th.	D	March.....	31, 1883
Rosanna Rooney.....	Supervisor.....	Superintendent.....	16 00 per m'th.	D	August.....	24, 1879
Henry McArdle.....	Attendant.....	Superintendent.....	13 00 per m'th.	D	April.....	1, 1880
Patrick Brennan.....	Attendant.....	Superintendent.....	13 00 per m'th.	D	August.....	29, 1887
Jane Kelly.....	Attendant.....	Superintendent.....	14 00 per m'th.	D	December.....	1, 1881
	Attendant.....	Superintendent.....	14 00 per m'th.	D	January.....	2, 1883
	Attendant.....	Superintendent.....	13 00 per m'th.	D	July.....	14, 1884
	Attendant.....	Superintendent.....	13 00 per m'th.	D	October.....	5, 1874
	Attendant.....	Superintendent.....	13 00 per m'th.	D	September.....	24, 1885
	Attendant.....	Superintendent.....	16 00 per m'th.	D	May.....	12, 1886
	Attendant.....	Superintendent.....	22 00 per m'th.	D	October.....	14, 1875
	Attendant.....	Superintendent.....	16 00 per m'th.	D	August.....	1, 1883
	Attendant.....	Superintendent.....	14 00 per m'th.	D	January.....	31, 1883
	Attendant.....	Superintendent.....	13 00 per m'th.	D	May.....	19, 1880
	Attendant.....	Superintendent.....	16 00 per m'th.	D	March.....	27, 1876
	Attendant.....	Superintendent.....	13 00 per m'th.	D	October.....	29, 1886
	Attendant.....	Superintendent.....	16 00 per m'th.	D	August.....	24, 1876
	Cook.....	Superintendent.....	13 00 per m'th.	D	June.....	1, 1883
	Cook.....	Superintendent.....	45 00 per m'th.	D	April.....	1, 1880
	Kitchen.....	Superintendent.....	17 00 per m'th.	D	April.....	22, 1876
	Kitchen.....	Superintendent.....	20 00 per m'th.	D	July.....	11, 1883
	Kitchen.....	Superintendent.....	30 00 per m'th.	D	April.....	4, 1887
	Kitchen.....	Superintendent.....	13 00 per m'th.	D	September.....	13, 1879

* Without board.

APPENDIX F -- WILLARD ASYLUM -- (Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Ellen Sloan	Kitchen.....	Superintendent.....	\$13 00 per m'th.	D	March 10, 1881
Catharine Mohan	Kitchen.....	.....	12 00 per m'th.	D	September 6, 1877
Sarah Kelly	Kitchen.....	.....	12 00 per m'th.	D	March 24, 1880
Bridget Sloan.....	Kitchen.....	.....	10 00 per m'th.	D	May 25, 1883
Mary Mackin	Kitchen.....	.....	10 00 per m'th.	D	September 18, 1886
Jemima J. Black	Kitchen.....	.....	15 00 per m'th.	D	July 1, 1886
Catharine Farley	Kitchen.....	.....	13 00 per m'th.	D	January 19, 1883
Mary Fearon	House-work.....	.....	12 00 per m'th.	D	October 17, 1876
Catharine C. Day	Housework.....	.....	12 00 per m'th.	D	November 12, 1879
Martha Tierney	Housework.....	.....	10 00 per m'th.	D	July 15, 1885
Mary M. Grehan.....	Housework.....	.....	10 00 per m'th.	D	May 6, 1884
Bridget Ryan	Dining-room.....	.....	13 00 per m'th.	D	February 15, 1886
Peter J. Savage.....	Dining-room.....	.....	12 00 per m'th.	D	May 1, 1884
Patrick Killen	Laundry.....	.....	28 00 per m'th.	D	September 15, 1872
Hugh Savage	Laundry.....	Superintendent.....	20 00 per m'th.	D	February 23, 1883
John Feehan	Laundry.....	Superintendent.....	22 00 per m'th.	D	May 1, 1877
Just Christian Moeller.....	Laundry.....	Superintendent.....	20 00 per m'th.	D	May 25, 1880
Martin M. Mannus.....	Laundry.....	Superintendent.....	20 00 per m'th.	D	December 14, 1882
Bridget McGhan	Head laundry.....	Superintendent.....	20 00 per m'th.	D	July 9, 1879
Julia McGhan	Assorting-room.....	Superintendent.....	14 00 per m'th.	D	March 23, 1881
Mary Ann O'Hanlon	Assorting-room.....	Superintendent.....	13 00 per m'th.	D	January 2, 1876
Mary A. Martin	Assorting-room.....	Superintendent.....	12 00 per m'th.	D	April 3, 1883
Ann Toner	Assorting-room.....	Superintendent.....	12 00 per m'th.	D	October 26, 1886
Ellen G. Young	Assorting-room.....	Superintendent.....	14 00 per m'th.	D	December 1, 1880
Mary McGrane	Ironer	Superintendent.....	14 00 per m'th.	D	August 29, 1887
Patrick H. Martin	Store-room.....	Superintendent.....	25 00 per m'th.	D	July 24, 1884
Aaron Freer.....	Store-room.....	Superintendent.....	15 00 per m'th.	D	April 4, 1882
Patrick Fuchan.....	Porter	Superintendent.....	25 00 per m'th.	D	May 30, 1876
Michael Mackin	Usher	Superintendent.....	25 00 per m'th.	D	May 22, 1870
Stephen Smith.....	Teamster.....	Superintendent.....	20 00 per m'th.	D	May 8, 1884
Patrick Duffy.....	Farm	Superintendent.....	22 00 per m'th.	D	December 1, 1878
Deanna McReynolds.....	Farm	Superintendent.....	32 00 per m'th.	D	April 13, 1871
John O'Hanlon	Farm	Superintendent.....	32 00 per m'th.	D	March 5, 1883
George Farley.....	Farm	Superintendent.....	32 00 per m'th.	D	April 7, 1884
Hans Christian Schroder.....	Farm	Superintendent.....	30 00 per m'th.	D	April 1, 1873
James L. Toner	Farm	Superintendent.....	22 00 per m'th.	D	January 1, 1886
Mary Gray	Gardener	Superintendent.....	20 00 per m'th.	D	July 16, 1873
George Henlas.....	Organist.....	Superintendent.....	5 00 per m'th.	D	April 1, 1883
Rose Tierney	Attendant.....	Superintendent.....	25 00 per m'th.	D	July 1, 1880
Henry Kitson	Housework.....	Superintendent.....	13 00 per m'th.	D	March 8, 1887
Mary Kitson	Chief supervisor.....	Superintendent.....	51 87 per m'th.	D	November 1, 1875
	Housekeeper.....	Superintendent.....	28 00 per m'th.	D	November 1, 1873

Wash. Hardenbrook	Fireman	Superintendent	15 00 per m.th.	.....	May	15, 1892
Elizabeth Morgan	Cook	Superintendent	16 00 per m.th.	.....	June	1, 1891
John D. Murphy	Kitchen	Superintendent	20 00 per m.th.	.....	March	22, 1897
Bridget Mackin	Kitchen	Superintendent	12 00 per m.th.	.....	August	14, 1894
Rosanna Carroll	Kitchen	Superintendent	12 00 per m.th.	.....	September	11, 1899
Anna Harner	Kitchen	Superintendent	10 00 per m.th.	.....	September	2, 1899
Catherine Linner	Kitchen	Superintendent	10 00 per m.th.	.....	October	20, 1898
Esther McCaughy	Dining-room	Superintendent	10 00 per m.th.	.....	April	2, 1891
Bridget Murphy	Dining-room	Superintendent	10 00 per m.th.	.....	August	26, 1895
Ellen McCaughy	Dining-room	Superintendent	10 00 per m.th.	.....	May	25, 1893
Alice Hanney	Housework	Superintendent	12 00 per m.th.	.....	January	4, 1899
Thomas Linner	Attendant	Superintendent	26 00 per m.th.	.....	July	19, 1895
John Mayne	Attendant	Superintendent	30 00 per m.th.	.....	June	1, 1897
Albert D. Quin	Attendant	Superintendent	30 00 per m.th.	.....	July	6, 1897
Christian Nielsen	Attendant	Superintendent	18 00 per m.th.	.....	April	20, 1895
William McKay	Attendant	Superintendent	20 00 per m.th.	.....	April	27, 1894
Herman Gudme	Attendant	Superintendent	23 00 per m.th.	.....	April	1, 1895
William Kerr	Attendant	Superintendent	30 00 per m.th.	.....	October	21, 1899
Geo. H. Wadsworth	Attendant	Superintendent	32 00 per m.th.	.....	March	1, 1897
M. B. Keady	Attendant	Superintendent	30 00 per m.th.	.....	March	1, 1895
James Crilly	Attendant	Superintendent	30 00 per m.th.	.....	March	25, 1890
Bidney Church	Attendant	Superintendent	30 00 per m.th.	.....	March	12, 1895
James Anderson	Attendant	Superintendent	30 00 per m.th.	.....	March	1, 1897
Robert J. Waddell	Attendant	Superintendent	18 00 per m.th.	.....	May	1, 1897
Joseph Dunn	Attendant	Superintendent	20 00 per m.th.	.....	May	1, 1897
Martin D. Poulsen	Attendant	Superintendent	20 00 per m.th.	.....	September	1, 1873
Patrick Carroll	Tenant	Superintendent	40 00 per m.th.	.....	September	12, 1899
Louisa F. Adams	Chief supervisor	Superintendent	26 00 per m.th.	.....	January	1, 1871
Peter McKenna	Fireman	Superintendent	16 00 per m.th.	.....	March	10, 1895
Margaret Hogan	Kitchen	Superintendent	10 00 per m.th.	.....	October	4, 1895
Mary Riley	Kitchen	Superintendent	10 00 per m.th.	.....	April	29, 1895
Anna Duffy	Dining-room	Superintendent	10 00 per m.th.	.....	April	1, 1893
Rarah Larkin	Dining-room	Superintendent	10 00 per m.th.	.....	May	1, 1893
Bridget Murphy	Housework	Superintendent	12 00 per m.th.	.....	July	14, 1879
Elia A. Bowen	Night watch	Superintendent	20 00 per m.th.	.....	May	1, 1890
Lucinda Sklonek	Attendant	Superintendent	14 00 per m.th.	.....	April	1, 1891
Leda L. Caton	Attendant	Superintendent	12 00 per m.th.	.....	April	6, 1899
Elizabeth Crawford	Attendant	Superintendent	14 00 per m.th.	.....	July	1, 1879
	Attendant	Superintendent	12 00 per m.th.	.....	May	19, 1895
	Attendant	Superintendent	16 00 per m.th.	.....	November	15, 1877
	Attendant	Superintendent	14 00 per m.th.	.....	December	1, 1873
	Attendant	Superintendent	16 00 per m.th.	.....	June	29, 1874
	Attendant	Superintendent	12 00 per m.th.	.....	April	19, 1899
	Attendant	Superintendent	14 00 per m.th.	.....	June	29, 1894
	Attendant	Superintendent	14 00 per m.th.	.....	March	5, 1899
	Extra attendant	Superintendent	14 00 per m.th.	.....	September	3, 1899
	Tailress	Superintendent	13 00 per m.th.	.....	May	17, 1897
	Chief supervisor	Superintendent	20 00 per m.th.	.....	April	1, 1891
	Housekeeper	Superintendent	40 00 per m.th.	.....	April	1, 1895
		Superintendent	16 28 per m.th.	.....	April	1, 1895

APPENDIX F—WILLARD ASYLUM—(Continued).

NAME.	Title of position.	Elected or appointed by		Date of entrance into position.
Timothy Tierney.....	Fireman.....	Superintendent.....	\$25 00 per m. th.	December 11, 1877
T. C. Belfridge.....	Night watch.....	Superintendent.....	26 00 per m. th.	June 4, 1883
Margaret Conroy.....	Cook.....	Superintendent.....	30 00 per m. th.	November 15, 1883
Jamoa Doyle.....	Kitchen.....	Superintendent.....	20 00 per m. th.	April 18, 1881
Mary Craven.....	Kitchen.....	Superintendent.....	13 00 per m. th.	March 11, 1885
Margaret Mullin.....	Kitchen.....	Superintendent.....	9 00 per m. th.	September 2, 1889
Mary Duley.....	Kitchen.....	Superintendent.....	10 00 per m. th.	November 20, 1881
Ellen Glynn.....	Dining-room.....	Superintendent.....	10 00 per m. th.	May 15, 1884
Anna Foshan.....	Dining-room.....	Superintendent.....	9 00 per m. th.	June 14, 1887
Rosa Clark.....	Dining-room.....	Superintendent.....	10 00 per m. th.	March 17, 1884
Margaret Branigan.....	Dining-room.....	Superintendent.....	10 00 per m. th.	July 11, 1887
Mary Ryan.....	Dining-room.....	Superintendent.....	9 00 per m. th.	July 16, 1887
Elmer A. Maynard.....	Housework.....	Superintendent.....	12 00 per m. th.	March 22, 1881
Vaughn Singh.....	Attendant.....	Superintendent.....	18 00 per m. th.	May 28, 1887
William H. Mundy.....	Attendant.....	Superintendent.....	25 00 per m. th.	July 20, 1887
William W. Matteson.....	Attendant.....	Superintendent.....	20 00 per m. th.	March 28, 1888
Edward O'Brien.....	Attendant.....	Superintendent.....	20 00 per m. th.	April 6, 1888
John McKenna.....	Attendant.....	Superintendent.....	23 00 per m. th.	June 15, 1882
Patrick Kelly.....	Attendant.....	Superintendent.....	20 00 per m. th.	April 27, 1885
Fred Warren.....	Attendant.....	Superintendent.....	20 00 per m. th.	April 21, 1886
James Lazenby.....	Attendant.....	Superintendent.....	18 00 per m. th.	April 6, 1886
Robert Sample.....	Attendant.....	Superintendent.....	20 00 per m. th.	June 6, 1886
William Armstrong.....	Attendant.....	Superintendent.....	22 00 per m. th.	June 15, 1881
Thomas McKenna.....	Attendant.....	Superintendent.....	20 00 per m. th.	June 1, 1887
George Nichols.....	Attendant.....	Superintendent.....	20 00 per m. th.	October 1, 1888
	Attendant.....	Superintendent.....	20 00 per m. th.	June 12, 1887
	Attendant.....	Superintendent.....	20 00 per m. th.	March 18, 1886
	Attendant.....	Superintendent.....	20 00 per m. th.	May 1, 1887
	Attendant.....	Superintendent.....	20 00 per m. th.	June 4, 1889
	Attendant.....	Superintendent.....	28 00 per m. th.	August 1, 1887
	Attendant.....	Superintendent.....	20 00 per m. th.	March 6, 1884
	Attendant.....	Superintendent.....	23 00 per m. th.	March 29, 1883
	Hallroad.....	Superintendent.....	23 34 per m. th.	May 1, 1884
	Chief supervisor.....	Superintendent.....	26 00 per m. th.	November 1, 1880
	Firemen.....	Superintendent.....	18 00 per m. th.	April 3, 1888
	Porter.....	Superintendent.....	16 00 per m. th.	February 1, 1887
	Cook.....	Superintendent.....	10 00 per m. th.	May 1, 1884
	Kitchen.....	Superintendent.....	13 00 per m. th.	December 18, 1888
	Kitchen.....	Superintendent.....	10 00 per m. th.	August 18, 1887
	Kitchen.....	Superintendent.....	10 00 per m. th.	July 1, 1887
	Dining-room.....	Superintendent.....	13 00 per m. th.	March 4, 1878
	Dining-room.....	Superintendent.....	10 00 per m. th.	June 1, 1884

Position	Rank	Pay	Grade	Class	Month	Year
Dining-room	Housework	10 00	per m	th.	April	14, 1887
Housework	Attendant	12 00	per m	th.	March	8, 1871
Attendant	Attendant	14 00	per m	th.	June	20, 1884
Attendant	Attendant	12 00	per m	th.	September	5, 1887
Attendant	Attendant	14 00	per m	th.	March	26, 1883
Attendant	Attendant	12 00	per m	th.	August	1, 1887
Attendant	Attendant	16 00	per m	th.	July	23, 1879
Attendant	Attendant	12 00	per m	th.	March	21, 1886
Attendant	Attendant	14 00	per m	th.	August	2, 1881
Attendant	Attendant	14 00	per m	th.	October	8, 1884
Attendant	Attendant	16 00	per m	th.	July	19, 1880
Attendant	Attendant	12 00	per m	th.	June	3, 1884
Attendant	Attendant	12 00	per m	th.	April	15, 1886
Attendant	Attendant	14 00	per m	th.	June	3, 1888
Attendant	Attendant	14 00	per m	th.	April	1, 1887
Attendant	Attendant	14 00	per m	th.	September	15, 1887
Night watch	Tailor	20 00	per m	th.	December	10, 1872
Tailor	Chief supervisor	25 00	per m	th.	June	22, 1888
Housekeeper	Housekeeper	40 00	per m	th.	August	4, 1872
Kitchen	Kitchen	25 00	per m	th.	April	28, 1881
Kitchen	Porter	10 00	per m	th.	July	13, 1887
Porter	Fireman	16 00	per m	th.	February	19, 1884
Fireman	Attendant	25 00	per m	th.	July	13, 1887
Attendant	Attendant	25 00	per m	th.	March	23, 1872
Attendant	Attendant	25 00	per m	th.	September	30, 1883
Attendant	Attendant	25 00	per m	th.	April	4, 1888
Night attendant	Night attendant	25 00	per m	th.	April	25, 1886
Night attendant	Kitchen	23 00	per m	th.	April	4, 1881
Kitchen	Painter	10 00	per m	th.	October	2, 1883
Painter	Painter	50 00	per m	th.	July	2, 1883
Chief supervisor	Housekeeper	18 00	per m	th.	May	1, 1887
Housekeeper	Cook	23 34	per m	th.	April	2, 1884
Cook	Kitchen	25 00	per m	th.	October	27, 1874
Kitchen	Kitchen	18 00	per m	th.	December	14, 1874
Kitchen	Kitchen	14 00	per m	th.	January	10, 1874
Housework	Housework	10 00	per m	th.	December	7, 1874
Fireman	Fireman	16 00	per m	th.	June	7, 1887
Fireman	Porter	10 00	per m	th.	April	16, 1879
Porter	Dining-room	36 00	per m	th.	August	3, 1887
Dining-room	Dining-room	30 00	per m	th.	June	1, 1870
Dining-room	Dining-room	18 00	per m	th.	September	1, 1872
Dining-room	Dining-room	18 00	per m	th.	August	2, 1872
Dining-room	Dining-room	13 00	per m	th.	June	1, 1887
Attendant	Attendant	10 00	per m	th.	March	15, 1887
Night attendant	Night attendant	10 00	per m	th.	September	15, 1886
Attendant	Attendant	16 00	per m	th.	August	28, 1887
Attendant	Attendant	14 00	per m	th.	September	1, 1872
Attendant	Attendant	14 00	per m	th.	December	30, 1886
Attendant	Attendant	15 00	per m	th.	June	27, 1887
Attendant	Attendant	15 00	per m	th.	April	1, 1887

APPENDIX F—WILLARD ASYLUM—(Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Catharine A. Farrell	Attendant	Superintendent	\$15 00 per m'th.	D	September 1, 1884
Catharine Maloney	Attendant	Superintendent	13 00 per m'th.	D	January 8, 1887
Jane F. Delaney	Attendant	Superintendent	15 00 per m'th.	D	May 1, 1882
Mary T. Malone	Attendant	Superintendent	13 00 per m'th.	D	February 4, 1881
Mary Deane	Day nurse	Superintendent	15 00 per m'th.	D	February 13, 1887
Margaret O'Hanlon	Attendant	Superintendent	14 00 per m'th.	D	December 3, 1881
Catharine Fitzsimmons	Attendant	Superintendent	13 00 per m'th.	D	February 1, 1887
Elizabeth A. Kerr	Attendant	Superintendent	15 00 per m'th.	D	May 2, 1887
Harriet Wagner	Attendant	Superintendent	13 00 per m'th.	D	November 24, 1886
Margaret Sullivan	Attendant	Superintendent	12 00 per m'th.	D	August 4, 1885
Bridget McGrane	Attendant	Superintendent	15 00 per m'th.	D	April 1, 1887
Ella Donley	Attendant	Superintendent	13 00 per m'th.	D	February 12, 1880
Ellen M. Rollinson	Extra attendant	Superintendent	13 00 per m'th.	D	September 14, 1887
Lura M. Riegel	Attendant	Superintendent	10 00 per m'th.	D	October 1, 1887
Asa Boothby	Teacher	Superintendent	30 00 per m'th.	D	October 1, 1887
Helen Davidson	Attendant	Superintendent	15 00 per m'th.	D	October 25, 1887
Alice E. McGough	Attendant	Superintendent	12 00 per m'th.	D	October 12, 1887
Bridget Sloan	Kitchen	Superintendent	9 00 per m'th.	D	October 6, 1887
Clarinda Losey	Kitchen	Superintendent	20 00 per m'th.	D	October 10, 1887
Mary A. Downs	Dining-room	Superintendent	10 00 per m'th.	D	October 20, 1887
Ann Rogan	Kitchen	Superintendent	10 00 per m'th.	D	October 9, 1887
Elizabeth McGan	Housework	Superintendent	12 00 per m'th.	D	November, 1887
Jane P. Vandegoer	Attendant	Superintendent	15 00 per m'th.	D	November 1, 1887
Jane Houghton	Attendant	Superintendent	12 00 per m'th.	D	November 4, 1887
Margaret McMillen	Attendant	Superintendent	12 00 per m'th.	D	November 17, 1887
Margaret Killen	Housework	Superintendent	12 00 per m'th.	D	December 20, 1887
Nettie Seymour	Kitchen	Superintendent	10 00 per m'th.	D	December 28, 1887
Mary Kennedy	Attendant	Superintendent	12 00 per m'th.	D	December 31, 1887
Della Keehan	Attendant	Superintendent	12 00 per m'th.	D	January 5, 1888
Nicoll Christiansen	Attendant	Superintendent	18 00 per m'th.	D	January 9, 1888
Michael Halilgan	Attendant	Superintendent	18 00 per m'th.	D	January 13, 1888
Josiah D. Parker	Painter	Superintendent	20 00 per m'th.	D	January 19, 1888
John Martin, 2d	Attendant	Superintendent	18 00 per m'th.	D	January 2, 1888
F. F. Cheeseman	Attendant	Superintendent	12 00 per m'th.	D	March 2, 1888
Martin L. Metcalf	Attendant	Superintendent	18 00 per m'th.	D	March 2, 1888
Sarah O'Connell	Attendant	Superintendent	16 00 per m'th.	D	March 12, 1888
Peter Rossitter	Attendant	Superintendent	20 00 per m'th.	D	March 12, 1888
Kate McCaragher	Kitchen	Superintendent	8 00 per m'th.	D	March 15, 1888
Ellen Sturgis	Kitchen	Superintendent	10 00 per m'th.	D	March 7, 1888
Grant S. Rowley	Engineer's apprentice	Superintendent	20 00 per m'th.	D	March 19, 1888
William Harte	Attendant	Superintendent	20 00 per m'th.	D	April 1, 1888
J. M. Mosher	Apothecary	Superintendent	30 00 per m'th.	O	April 12, 1888
					April 10, 1888

Attendant	26 00 per m. th.	D	.....	April	9, 1888
Attendant	20 00 per m. th.	D	.....	May	1, 1888
Attendant	18 00 per m. th.	D	.....	May	1, 1888
Attendant	20 00 per m. th.	D	.....	May	8, 1888
Baker's helper	20 00 per m. th.	D	.....	May	6, 1888
Attendant	12 00 per m. th.	D	.....	May	15, 1888
Kitchen girl	9 00 per m. th.	D	.....	May	6, 1888
Attendant	23 00 per m. th.	D	.....	May	1, 1888
Attendant	12 00 per m. th.	D	.....	June	2, 1888
Attendant	20 00 per m. th.	D	.....	June	26, 1888
Attendant	9 00 per m. th.	D	.....	May	28, 1888
Kitchen	10 00 per m. th.	D	.....	June	4, 1888
Kitchen	8 00 per m. th.	D	.....	June	20, 1888
Laundry	40 00 per m. th.	D	.....	June	11, 1888
Housework	10 00 per m. th.	D	.....	June	8, 1888
Housework	12 00 per m. th.	D	.....	July	20, 1888
Dining-room	10 00 per m. th.	D	.....	July	26, 1888
Dining-room	10 00 per m. th.	D	.....	July	16, 1888
Kitchen	13 00 per m. th.	D	.....	July	11, 1888
Attendant	13 00 per m. th.	D	.....	July	2, 1888
Attendant	18 00 per m. th.	D	.....	July	6, 1888
Attendant	16 00 per m. th.	D	.....	July	7, 1888
Attendant	18 00 per m. th.	D	.....	July	5, 1888
Attendant	18 00 per m. th.	D	.....	July	2, 1888
Attendant	12 00 per m. th.	D	.....	July	25, 1888
Attendant	18 00 per m. th.	D	.....	July	5, 1888
Attendant	16 00 per m. th.	D	.....	July	5, 1888
Attendant	10 00 per m. th.	D	.....	July	30, 1888
Attendant	12 00 per m. th.	D	.....	August	1, 1888
Attendant	10 00 per m. th.	D	.....	August	14, 1888
Attendant	16 00 per m. th.	D	.....	August	16, 1888
Attendant	12 00 per m. th.	D	.....	August	26, 1888
Kitchen	10 00 per m. th.	D	.....	August	6, 1888
Kitchen	20 00 per m. th.	D	.....	August	13, 1888
Supervisor	23 00 per m. th.	D	.....	August	15, 1887
Extra fireman	20 00 per m. th.	D	.....	October	1, 1887
Attendant	20 00 per m. th.	D	.....	October	1, 1888
Housework	10 00 per m. th.	D	.....	October	15, 1888
Night attendant	25 00 per m. th.	D	.....	September	3, 1888
Night attendant	20 00 per m. th.	D	.....	September	4, 1888
Night attendant	18 00 per m. th.	D	.....	September	5, 1888
Kitchen	8 00 per m. th.	D	.....	September	6, 1888
Kitchen	18 00 per m. th.	D	.....	September	8, 1888
Kitchen	12 00 per m. th.	D	.....	September	12, 1888
Night attendant	16 00 per m. th.	D	.....	September	19, 1888
Attendant	12 00 per m. th.	D	.....	October	30, 1888
Attendant	18 00 per m. th.	D	.....	October	29, 1888
Kitchen	8 00 per m. th.	D	.....	November	1, 1888
Baker	25 00 per m. th.	D	.....	November	1, 1888
Extra attendant	10 00 per m. th.	D	.....	November	6, 1888

Position	Month	Year	Per m'th.
Attendant	August	4, 1883	26 00
Attendant	March	5, 1883	24 00
Attendant	August	24, 1887	20 00
Attendant	May	10, 1887	20 00
Attendant	April	8, 1888	26 00
Attendant	February	26, 1887	24 00
Attendant	August	8, 1887	20 00
Attendant	August	13, 1887	20 00
Attendant	June	3, 1886	26 00
Attendant	March	6, 1874	24 00
Attendant	May	24, 1887	20 00
Attendant	September	17, 1884	26 00
Attendant	May	14, 1887	20 00
Attendant	March	18, 1887	20 00
Attendant	September	16, 1887	20 00
Attendant	May	26, 1884	40 00
Attendant	July	5, 1880	40 00
Attendant	July	13, 1882	40 00
Attendant	October	29, 1877	40 00
Attendant	October	1, 1877	30 00
Attendant	April	4, 1887	40 00
Attendant	June	26, 1887	36 00
Attendant	April	16, 1887	16 00
Attendant	April	20, 1870	35 00
Attendant	September	13, 1880	26 00
Attendant	September	3, 1886	30 00
Attendant	July	10, 1884	16 00
Attendant	March	1, 1887	12 00
Attendant	November	6, 1884	14 00
Attendant	December	20, 1889	16 00
Attendant	April	26, 1880	14 00
Attendant	May	8, 1882	16 00
Attendant	July	27, 1886	14 00
Attendant	April	12, 1876	20 00
Attendant	June	26, 1888	16 00
Attendant	February	27, 1884	16 00
Attendant	October	14, 1886	13 00
Attendant	April	26, 1886	14 00
Attendant	January	18, 1887	13 00
Attendant	November	21, 1889	14 00
Attendant	February	4, 1887	13 00
Attendant	June	28, 1885	20 00
Attendant	August	1, 1887	13 00
Attendant	April	5, 1884	19 00
Attendant	January	8, 1887	13 00
Attendant	May	16, 1887	13 00
Attendant	September	13, 1888	14 00
Attendant	April	21, 1887	12 00
Attendant	May	21, 1886	14 00
Attendant	June	8, 1884	19 00

APPENDIX F—UTICA ASYLUM—(Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Date of entrance into position.
Margaret McGrath.....	Attendant.....	Superintendent.....	\$12 00 per m'th.	May 24, 1887
Ella J. Coonrad.....	Attendant.....	.....	12 00 per m'th.	August 8, 1887
Ellie Gawkins.....	Attendant.....	.....	20 00 per m'th.	March 31, 1888
Isabella Milne.....	Attendant.....	.....	12 00 per m'th.	June 9, 1887
Grace L. Jones.....	Attendant.....	.....	14 00 per m'th.	February 28, 1884
Annie L. McGrath.....	Attendant.....	.....	18 00 per m'th.	September 20, 1886
Delia Daley.....	Attendant.....	.....	14 00 per m'th.	August 9, 1886
Sarah Sterling.....	Night watch.....	.....	20 00 per m'th.	July 19, 1873
Sarah J. Dodge.....	Dressmaker.....	.....	20 00 per m'th.	September 18, 1886
Mary E. Owens.....	Tailoress.....	.....	16 00 per m'th.	April 16, 1873
Hannah Law.....	Tailoress.....	.....	14 00 per m'th.	October 9, 1883
Eliza Watson.....	Charge of ironing-room.....	.....	17 00 per m'th.	July 7, 1872
Rose Dolan.....	Ironing-room.....	.....	21 00 per m'th.	February 18, 1885
Bertha Killan.....	Ironing-room.....	.....	22 00 per m'th.	August 22, 1886
Nora Harty.....	Chambermaid.....	Superintendent.....	14 00 per m'th.	September 1, 1885
Johannah Swift.....	Waitress.....	Superintendent.....	16 00 per m'th.	June 2, 1884
Kitty Handwright.....	Butcher.....	Superintendent.....	60 00 per m'th.	March 15, 1870
Fred. Breibenstein.....	Baker.....	Superintendent.....	50 00 per m'th.	October 1, 1883
Christian Rice.....	Baker.....	Superintendent.....	50 00 per m'th.	April 17, 1879
Conrad Pfeiffer.....	Cook.....	Superintendent.....	40 00 per m'th.	January 8, 1884
Charles M. Wright.....	Cook.....	Superintendent.....	30 00 per m'th.	May 27, 1886
Ann Sheridan.....	Cook.....	Superintendent.....	14 00 per m'th.	February 13, 1871
Mary Evans.....	Cook.....	Superintendent.....	16 00 per m'th.	April 2, 1877
Nellie Spice.....	Cook.....	Superintendent.....	14 00 per m'th.	August 24, 1888
Almira E. Wight.....	Cook.....	Superintendent.....	16 00 per m'th.	May 27, 1886
Mary Boyle.....	Housekeeper.....	Superintendent.....	12 00 per m'th.	May 10, 1887
Libbie Hoadley.....	Housekeeper.....	Superintendent.....	26 00 per m'th.	April 15, 1885
Mary Coughlin.....	Housekeeper.....	Superintendent.....	18 00 per m'th.	August 13, 1885
Estella Balcom.....	Cook.....	Superintendent.....	12 00 per m'th.	August 2, 1886
John R. Shaw.....	Laundryman.....	Superintendent.....	30 00 per m'th.	July 29, 1875
Thomas O. Shaw.....	Laundryman.....	Superintendent.....	36 00 per m'th.	January 1, 1887
Hugh R. Jones.....	Laundryman.....	Superintendent.....	30 00 per m'th.	May 23, 1884
Mrs. John G. Shaw.....	Laundress.....	Superintendent.....	20 00 per m'th.	December 1, 1879
Seth Russell.....	Farmer.....	Superintendent.....	50 00 per m'th.	April 1, 1884
Charles Spice.....	Herdman.....	Superintendent.....	40 00 per m'th.	January 1, 1884
William Pritchard.....	Teamster.....	Superintendent.....	50 00 per m'th.	January 1, 1873
David Jenkins.....	Teamster.....	Superintendent.....	45 00 per m'th.	January 1, 1868
Jacob Sypher.....	Gardener.....	Superintendent.....	45 00 per m'th.	August 25, 1882
Michael Torrey.....	Gardener.....	Superintendent.....	40 00 per m'th.	March 1, 1871
John M. Matti.....	Gardener.....	Superintendent.....	60 00 per m'th.	July 1, 1886
G. Van Baaten.....	Farm laborer.....	Superintendent.....	40 00 per m'th.	March 1, 1884
D. F. Mahar.....	Coachman.....	Superintendent.....	50 00 per m'th.	May 1, 1886
				March 4, 1870

John J. Doyle	Engineer	50 00 per m'th.	August	22, 1887
John Graham	Fireman	40 00 per m'th.	April	26, 1884
Michael Brunner	Fireman	40 00 per m'th.	August	4, 1880
John E. Williams	Teamster	18 00 per m'th.	May	24, 1887
W. E. Jones	Carpenter	1 50 per day..	March	10, 1873
Jacob Kopp	Mason	2 50 per day..	April	11, 1887
Henry Keller	Painter	2 25 per day..	April	9, 1874
George Graham	Plumber	2 50 per day..	December	1, 1880
Timothy Ryan	Attendant	20 00 per m'th.	October	14, 1887
Griffith W. Roberts	Attendant	20 00 per m'th.	October	15, 1887
Fred M. Down	Attendant	20 00 per m'th.	November	7, 1887
James W. Morgan	Attendant	20 00 per m'th.	March	2, 1888
Albert Fortsane	Attendant	20 00 per m'th.	March	4, 1888
William Concannon	Attendant	20 00 per m'th.	March	6, 1888
Bessie Cook	Nurse	14 00 per m'th.	November	21, 1887
M. Lizzie Wells	Nurse	12 00 per m'th.	March	8, 1888
Sarah L. Hines	Nurse	12 00 per m'th.	March	20, 1888
C. E. Hyde	Mason's helper	50 per day	November	19, 1887
Thomas Hayden	Fireman	40 00 per m'th.	October	4, 1887
Ellen Hayes	Assistant in ironing-room	20 00 per m'th.	July	16, 1883
Frances Sherwin	Cook	12 00 per m'th.	December	12, 1887
Arthur L. Hunt	Electrician	40 00 per m'th.	April	7, 1888
Henry Stehenlist	Fireman	40 00 per m'th.	April	26, 1888
Mary Torpy	Ironing-room	20 00 per m'th.	April	15, 1888
Hugh C. Pughs	Attendant	20 00 per m'th.	April	2, 1888
O. Barton	Attendant	20 00 per m'th.	April	4, 1888
Frederick Rucker	Attendant	20 00 per m'th.	April	7, 1888
John P. O'Kane	Attendant	20 00 per m'th.	April	11, 1888
Kittie Lewis	Attendant	14 00 per m'th.	August	11, 1888
Maggie A. Hines	Attendant	14 00 per m'th.	April	11, 1888
Jennie Hutchinson	Attendant	14 00 per m'th.	April	16, 1888
James C. Bogert	Attendant	20 00 per m'th.	April	23, 1888
Frank Gilbert	Attendant	20 00 per m'th.	April	16, 1888
Libbie Gilbert	Attendant	20 00 per m'th.	April	23, 1888
Matilda S. Vanderpoel	Attendant	20 00 per m'th.	April	30, 1888
Fred Dillon	Attendant	14 00 per m'th.	April	30, 1888
Ada E. Billings	Attendant	20 00 per m'th.	May	2, 1888
Peter Connolly	Attendant	14 00 per m'th.	May	3, 1888
Adam Lechner	Attendant	20 00 per m'th.	May	4, 1888
John R. Jones	Attendant	20 00 per m'th.	May	4, 1888
Lizzie Morris	Attendant	14 00 per m'th.	May	14, 1888
Anna Clark	Attendant	14 00 per m'th.	May	14, 1888
Peter McHugo	Attendant	20 00 per m'th.	April	14, 1888
John Scott	Attendant	20 00 per m'th.	June	2, 1888
Roger Donohue	Attendant	20 00 per m'th.	June	2, 1888
Leonard Stach	Attendant	20 00 per m'th.	June	4, 1888
Myra Borden	Attendant	14 00 per m'th.	June	11, 1888
Hugh W. Rowlands	Attendant	20 00 per m'th.	June	20, 1888
Thomas F. Owen	Attendant	20 00 per m'th.	June	21, 1888
Michael Griffin	Attendant	20 00 per m'th.	June	23, 1888

APPENDIX F—UTICA ASYLUM—(Continued).

	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Edward Hendrick.....	Superintendent	\$20 00 per m'th.	D	June 30, 1888
Lizzie Hendrick.....	Attendant	14 00 per m'th.	D	June 28, 1888
Richard Jones.....	Assisting engineer	45 00 per m'th.	D	July 2, 1888
John G. Jones.....	Attendant	18 00 per m'th.	D	July 17, 1888
Edward J. Coonrod.....	Attendant	18 00 per m'th.	D	July 18, 1888
Della Waldron.....	Attendant	14 00 per m'th.	D	July 18, 1888
John H. Newman.....	Attendant	18 00 per m'th.	D	July 19, 1888
Annie E. Williams.....	Assisting carpenter	14 00 per m'th.	D	July 20, 1888
Ernest Wanderla.....	Attendant	30 00 per m'th.	D	July 21, 1888
Robert Richards.....	Attendant	18 00 per m'th.	D	August 17, 1888
Rose Lewis.....	Attendant	14 00 per m'th.	D	August 18, 1888
Lucy T. Doyle.....	Attendant	14 00 per m'th.	D	August 27, 1888
Lizzie Herr.....	Attendant	12 00 per m'th.	D	August 2, 1888
Milton J. Hummel.....	Attendant	20 00 per m'th.	D	October 6, 1888
Ulrich Koenig.....	Attendant	20 00 per m'th.	D	October 8, 1888
Fannie L. Jackson.....	Attendant	12 00 per m'th.	D	October 10, 1888
Lizzie Macfarlane.....	Attendant	12 00 per m'th.	D	November 4, 1888
Mary A. Root.....	Superintendent	14 00 per m'th.	D	November 23, 1888

MIDDLETOWN ASYLUM.

Selden H. Talcott.....	Superintendent	\$3,500 00	C	April 24, 1877
A. F. Williamson.....	First assistant physician	2,200 00	C	May 15, 1888
C. Spencer Kinney.....	Second assistant physician	1,500 00	C	December 9, 1880
John Cochran.....	Steward	2,000 00	C	September 1, 1874
Uzal T. Hayes.....	Treasurer	800 00	A	September 1, 1878
W. E. Cook.....	Supervisor	50 00 per m'th.	D	April 1, 1878
L. Bourke.....	Attendant	34 00 per m'th.	D	March 17, 1883
William F. Luckey.....	Attendant	34 00 per m'th.	D	April 7, 1884
Arthur Killbride.....	Attendant	34 00 per m'th.	D	July 28, 1885
Charles N. Frear.....	Attendant	30 00 per m'th.	D	August 4, 1885
L. T. Loder.....	Attendant	34 00 per m'th.	D	January 26, 1886
John Holmes.....	Attendant	24 00 per m'th.	D	January 19, 1886
Lewis Deyo.....	Attendant	25 00 per m'th.	D	September 14, 1886
M. O. Ashley.....	Druggist	28 00 per m'th.	C	September 14, 1886
William Russell.....	Attendant	32 00 per m'th.	D	December 25, 1886
Grant Noble.....	Attendant	18 00 per m'th.	D	October 9, 1888
George Drake.....	Attendant	21 00 per m'th.	D	April 6, 1887
Henry Vandewater.....	Attendant	18 00 per m'th.	D	October 13, 1888
Daniel Sullivan.....	Attendant	21 00 per m'th.	D	May 2, 1887
William S. Brown.....	Superintendent	18 00 per m'th.	D	November 16, 1888

George Lyncker.....	Attendant.....	20 00 per m'th.	D	June	13, 1887
Paul M. Singsen.....	Attendant.....	18 00 per m'th.	D	November	26, 1889
Stephen McNamara.....	Attendant.....	18 00 per m'th.	D	July	12, 1887
M. O. Hanlon.....	Attendant.....	18 00 per m'th.	D	December	17, 1886
William Haley.....	Attendant.....	18 00 per m'th.	D	August	5, 1887
George B. Hayes.....	Attendant.....	18 00 per m'th.	D	September	16, 1887
L. Cook.....	Supervisor.....	45 00 per m'th.	D	October	20, 1877
D. W. Comstock.....	Supervisor.....	45 00 per m'th.	D	January	5, 1881
V. M. Donivan.....	Attendant.....	45 00 per m'th.	D	April	1, 1881
Frances Schwab.....	Attendant.....	20 00 per m'th.	D	October	1, 1881
Mary Griffin.....	Attendant.....	22 00 per m'th.	D	October	6, 1889
Irene Benjamin.....	Attendant.....	20 00 per m'th.	D	May	10, 1887
Alice Baker.....	Attendant.....	30 00 per m'th.	D	August	19, 1884
Magale Cann.....	Attendant.....	22 00 per m'th.	D	August	5, 1884
Emma Walters.....	Attendant.....	27 00 per m'th.	D	September	1, 1884
Minnie Weaver.....	Attendant.....	23 00 per m'th.	D	November	24, 1884
Annie Nearn.....	Attendant.....	30 00 per m'th.	D	December	29, 1884
Jennie Moffatt.....	Attendant.....	26 00 per m'th.	D	June	9, 1885
Sarah Garrison.....	Attendant.....	31 00 per m'th.	D	July	19, 1885
Emma Smith.....	Attendant.....	17 00 per m'th.	D	October	5, 1885
Annie S. Clark.....	Attendant.....	22 00 per m'th.	D	October	26, 1885
S. Bennet.....	Attendant.....	21 00 per m'th.	D	March	10, 1887
Ora Hoffman.....	Attendant.....	12 00 per m'th.	D	November	13, 1889
Rose Donnelly.....	Attendant.....	26 00 per m'th.	D	July	19, 1886
M. Mapledorum.....	Attendant.....	20 00 per m'th.	D	July	29, 1886
Mary Denmark.....	Attendant.....	17 00 per m'th.	D	May	3, 1887
Annie H. Sooy.....	Attendant.....	14 00 per m'th.	D	June	27, 1887
Mary Hornbeck.....	Attendant.....	14 00 per m'th.	D	July	11, 1887
Jennie Haverland.....	Attendant.....	20 00 per m'th.	D	October	31, 1888
H. J. Leonard.....	Attendant.....	20 00 per m'th.	D	April	7, 1887
S. R. Leonard.....	Assistant steward.....	12 00 per m'th.	D	September	14, 1887
C. G. Fay.....	Clerk.....	75 00 per m'th.	O	September	22, 1879
Charles Warner.....	Clerk.....	38 00 per m'th.	B	February	4, 1883
William B. Wilber.....	Clerk.....	12 00 per m'th.	B	June	13, 1887
S. DePay Freer.....	Engineer.....	35 00 per m'th.	B	September	15, 1885
E. Coddington.....	Engineer.....	70 00 per m'th.	D	November	2, 1888
E. McCourt.....	Carpenter.....	50 00 per m'th.	D	November	19, 1888
P. W. Heane.....	Watch.....	50 00 per m'th.	D	September	1, 1878
J. E. Decker.....	Painter.....	25 61 per m'th.	D	August	1, 1877
John M. Young.....	Painter.....	25 00 per m'th.	D	December	3, 1888
Ellen A. Smith.....	Watch.....	25 00 per m'th.	D	December	3, 1888
Annie Hines.....	Watch.....	20 00 per m'th.	D	May	15, 1886
A. Polhemus.....	Watch.....	21 00 per m'th.	D	January	11, 1884
Ella Morrison.....	Messenger.....	21 00 per m'th.	D	February	1, 1884
William Thurston.....	Waitress.....	15 00 per m'th.	D	October	6, 1886
D. D. Arnolds.....	Baker.....	20 00 per m'th.	D	August	24, 1888
C. Terwilliger.....	Laundryman.....	75 00 per m'th.	D	April	9, 1886
C. W. Hitchcock.....	Laundryman.....	40 00 per m'th.	D	October	15, 1888
	Lady overseer.....	44 00 per m'th.	D	November	24, 1884
		32 00 per m'th.	D	May	1, 1884

Thomas Waldie	Florist	.....	24 00 per m'th.	D	.....	December	10, 1897
James A. Canthers	Attendant	.....	19 00 per m'th.	D	.....	April	19, 1898
Olive A. Carpenter	Attendant	.....	16 00 per m'th.	D	.....	April	25, 1898
Lillie Schoonmaker	Attendant	.....	19 00 per m'th.	D	.....	May	15, 1898
W. D. Russell	Attendant	.....	18 00 per m'th.	D	.....	May	17, 1898
William Vernooy	Farm	.....	18 00 per m'th.	D	.....	November	16, 1898
Peter Conklin	Farm	.....	35 00 per m'th.	D	.....	November	19, 1898
Kate McGuire	Attendant	.....	12 00 per m'th.	D	.....	June	13, 1898
Elmer Boyce	Kitchen	.....	18 00 per m'th.	D	.....	July	5, 1898
Mark Goggel	Kitchen	.....	19 00 per m'th.	D	.....	April	25, 1898
M. Dougherty	Kitchen	.....	18 00 per m'th.	D	.....	July	28, 1898
Isaac Vall	Kitchen	.....	18 00 per m'th.	D	.....	September	27, 1898
A. E. Tice	Kitchen	.....	18 00 per m'th.	D	.....	May	28, 1898
Elizabeth Batheram	Kitchen	.....	19 00 per m'th.	D	.....	September	13, 1898
Joseph Ellenberger	Kitchen	.....	15 00 per m'th.	D	.....	June	11, 1898
Rodolph Gosser	Kitchen	.....	15 00 per m'th.	D	.....	June	27, 1898
Gregor Glasster	Kitchen	.....	15 00 per m'th.	D	.....	June	27, 1898
John Irwin	Gardener	.....	18 00 per m'th.	D	.....	May	14, 1898
James Gray	Florist	.....	15 00 per m'th.	D	.....	April	1, 1898
John Bustard	Farm	.....	18 00 per m'th.	D	.....	June	1, 1898
Mat. Rearton	Farm	.....	15 00 per m'th.	D	.....	December	25, 1898
Lottie E. Rhodes	Seamstress	.....	15 00 per m'th.	D	.....	May	15, 1898
Hattie Benedict	Office girl	.....	8 00 per m'th.	D	.....	May	24, 1898
Carrie Gordon	Office girl	.....	8 00 per m'th.	D	.....	December	17, 1898
Arthur Garrison	Office boy	.....	8 00 per m'th.	D	.....	August	28, 1898
Lester H. Royce	Attendant	.....	18 00 per m'th.	D	.....	September	25, 1898
Nellie Reynolds	Attendant	.....	12 00 per m'th.	D	.....	July	4, 1898
Ida Hanners	Attendant	.....	12 00 per m'th.	D	.....	July	16, 1898
Kittie Moffitt	Attendant	.....	12 00 per m'th.	D	.....	July	23, 1898
Kate Cuthlers	Attendant	.....	12 00 per m'th.	D	.....	August	14, 1898
Agnes Von Lyncker	Attendant	.....	12 00 per m'th.	D	.....	September	8, 1898
Minnie Avery	Attendant	.....	12 00 per m'th.	D	.....	September	24, 1898
Mary Butler	Laundress	.....	14 00 per m'th.	D	.....	September	5, 1898
Thomas Waldron	Fireman	.....	40 00 per m'th.	D	.....	July	25, 1898
Superintendent							

BINGHAMTON ASYLUM.

T. S. Armstrong	.....	.....	\$3,000 00	C	.....	July	1, 1890
Charles C. Eastman	.....	.....	1,200 00	C	.....	October	24, 1891
Orville J. Wilsey	.....	.....	1,000 00	C	.....	January	20, 1892
John J. Fitzgerald	.....	.....	800 00	C	.....	August	1, 1896
Edwin Evans	.....	.....	1,100 00	C	.....	July	1, 1890
Mrs. Lavina S. Smith	.....	.....	400 00	C	.....	November	1, 1891
J. H. Scarborough	.....	.....	78 00 per m'th.	B	.....	July	11, 1893
Robert L. Weed	.....	.....	60 00 per m'th.	B	.....	April	20, 1896
Eugene M. Davis	.....	.....	35 00 per m'th.	B	.....	February	15, 1896
Charles McFarland	.....	.....	40 00 per m'th.	B	.....	February	19, 1892
Ann Ryan	.....	.....	18 00 per m'th.	B	.....	June	6, 1897
Ada Chambers	.....	.....	16 00 per m'th.	B	.....	September	3, 1894

APPENDIX F — BINGHAMTON ASYLUM — (Continued).

NAME	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Lizzie Stowe	Assistant issuing clerk	Superintendent	\$10 00 per m'th.	B	August 1, 1887
Samuel F. Collins	Engineer	Superintendent	75 00 per m'th.	D	July 1, 1880
H. H. Bisbee	Engineer	Superintendent	75 00 per m'th.	D	December 25, 1881
Charles Fiske	Assistant engineer	Superintendent	35 00 per m'th.	D	November 1, 1881
Graham S. Slack	Plumber	Superintendent	35 00 per m'th.	D	July 14, 1884
A. L. Fitzpatrick	Plumber	Superintendent	20 00 per m'th.	D	April 11, 1887
M. Whittaker	Fireman	Superintendent	50 00 per m'th.	D	October 21, 1880
John Nolan	Fireman	Superintendent	50 00 per m'th.	D	November 19, 1883
J. M. Cummings	Fireman	Superintendent	30 00 per m'th.	D	August 16, 1886
James G. Goughney	Shoemaker	Superintendent	40 00 per m'th.	D	April 6, 1888
William Ira	Blacksmith	Superintendent	50 00 per m'th.	D	September 4, 1884
E. H. Ballou	Carpenter	Superintendent	55 00 per m'th.	D	March 18, 1885
Truman Guyon	Carpenter	Superintendent	55 00 per m'th.	D	September 1, 1886
George Steele	Carpenter	Superintendent	50 00 per m'th.	D	August 22, 1887
Leroy Ackery	Carpenter	Superintendent	35 00 per m'th.	D	May 12, 1888
J. O. Anthony	Carpenter	Superintendent	35 00 per m'th.	D	October 23, 1883
Charles F. King	Carpenter	Superintendent	25 00 per m'th.	D	October 2, 1888
Ralph Walters	Carpenter	Superintendent	25 00 per m'th.	D	December 11, 1885
H. S. Rogers	Painter	Superintendent	35 00 per m'th.	D	December 6, 1884
Augustus Evans	Mason	Superintendent	50 00 per m'th.	D	April 12, 1886
Frank Bogart	Mason, assistant	Superintendent	6 00 per m'th.	D	May 18, 1884
Joseph O'Connor	Gardener	Superintendent	40 00 per m'th.	D	March 3, 1888
Robert Goughray	Assistant gardener	Superintendent	9 00 per m'th.	D	January 6, 1887
Frederick Ely	Soap maker	Superintendent	40 00 per m'th.	D	May 1, 1888
Richard Shay	Butcher	Superintendent	30 00 per m'th.	D	May 22, 1882
James C. Armstrong	Farmer	Superintendent	50 00 per m'th.	D	April 21, 1881
Charles Scudder	Farm help	Superintendent	15 00 per m'th.	D	April 26, 1882
James O. Lawler	Stockman	Superintendent	20 00 per m'th.	D	November 1, 1886
Daniel Hickey	Hostler	Superintendent	25 00 per m'th.	D	April 1, 1888
Joseph Holmes	Coachman	Superintendent	20 00 per m'th.	D	April 2, 1888
Daniel Headley	Teamster	Superintendent	22 00 per m'th.	D	March 22, 1888
James Flynn	Teamster	Superintendent	20 00 per m'th.	D	April 3, 1886
John Hager	Teamster	Superintendent	15 00 per m'th.	D	April 3, 1886
James Dorey	Teamster	Superintendent	14 00 per m'th.	D	April 18, 1887
James Brophy	Teamster	Superintendent	16 00 per m'th.	D	June 16, 1887
Milton B. Smith	Teamster	Superintendent	20 00 per m'th.	D	July 15, 1887
Burton Rice	Teamster	Superintendent	16 00 per m'th.	D	August 29, 1887
Clinton Benedict	Teamster	Superintendent	20 00 per m'th.	D	March 7, 1887
Thomas Shay	Teamster	Superintendent	20 00 per m'th.	D	October 4, 1884
James Hall	Teamster	Superintendent	20 00 per m'th.	D	July 19, 1886
Patrick McGrath	Teamster	Superintendent	15 00 per m'th.	D	September 5, 1887
John Dunlay	Teamster	Superintendent	20 00 per m'th.	D	July 20, 1888

[illegible]

APPENDIX F—BINGHAMTON ASYLUM—(Continued).

	position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Alexander Crawford	Special nightwatch	Superintendent	\$25 00 per m'th.	D	May 18, 1886
Smith Catlin	Special nightwatch	Superintendent	25 00 per m'th.	D	March 23, 1886
Mrs. A. J. Van Dyke	Special nightwatch	Superintendent	18 00 per m'th.	D	August 22, 1882
	Special nightwatch	Superintendent	18 00 per m'th.	D	September 24, 1882
	Attendant	Superintendent	24 00 per m'th.	D	June 15, 1886
	Attendant	Superintendent	19 00 per m'th.	D	February 22, 1887
	Attendant	Superintendent	19 00 per m'th.	D	February 1, 1887
	Attendant	Superintendent	14 00 per m'th.	D	October 1, 1887
	Attendant	Superintendent	24 00 per m'th.	D	January 8, 1886
	Nightwatch	Superintendent	18 00 per m'th.	D	October 9, 1888
	Attendant	Superintendent	14 00 per m'th.	D	November 26, 1888
	Attendant	Superintendent	22 00 per m'th.	D	September 30, 1886
	General work	Superintendent	15 00 per m'th.	D	December 8, 1888
	Attendant	Superintendent	20 00 per m'th.	D	April 7, 1887
	Attendant	Superintendent	20 00 per m'th.	D	March 14, 1887
	Attendant	Superintendent	25 00 per m'th.	D	February 5, 1886
	Attendant	Superintendent	26 00 per m'th.	D	January 26, 1886
	Attendant	Superintendent	20 00 per m'th.	D	June 15, 1887
	Attendant	Superintendent	20 00 per m'th.	D	November 8, 1886
	Attendant	Superintendent	14 00 per m'th.	D	September 7, 1887
	Attendant	Superintendent	20 00 per m'th.	D	May 4, 1887
	Attendant	Superintendent	22 00 per m'th.	D	March 16, 1887
	Attendant	Superintendent	14 00 per m'th.	D	August 15, 1887
	Attendant	Superintendent	25 00 per m'th.	D	February 8, 1886
	Attendant	Superintendent	23 00 per m'th.	D	May 5, 1887
	Druggist	Superintendent	25 00 per m'th.	D	May 27, 1887
	Attendant	Superintendent	20 00 per m'th.	D	March 13, 1887
	Attendant	Superintendent	20 00 per m'th.	D	April 9, 1887
	Attendant	Superintendent	16 00 per m'th.	D	August 2, 1887
	Attendant	Superintendent	14 00 per m'th.	D	September 9, 1887
	Attendant	Superintendent	14 00 per m'th.	D	September 13, 1887
	Attendant	Superintendent	24 00 per m'th.	D	August 3, 1886
	Attendant	Superintendent	20 00 per m'th.	D	May 26, 1886
	Attendant	Superintendent	18 00 per m'th.	D	February 22, 1887
	Attendant	Superintendent	16 00 per m'th.	D	September 10, 1889
	Attendant	Superintendent	20 00 per m'th.	D	May 14, 1887
	Attendant	Superintendent	14 00 per m'th.	D	September 6, 1887
	Attendant	Superintendent	22 00 per m'th.	D	June 2, 1886
	Attendant	Superintendent	14 00 per m'th.	D	October 16, 1888
	Head attendant	Superintendent	20 00 per m'th.	D	March 13, 1886
	Attendant	Superintendent	18 00 per m'th.	D	February 14, 1886
	Attendant	Superintendent	18 00 per m'th.	D	December 14, 1888
John Quinn		Superintendent			
Frank Thomas		Superintendent			
Eugene Bogart		Superintendent			
John Quilty		Superintendent			
Marvin Noonan		Superintendent			
George W. Barnes		Superintendent			
Aaron Hendricks		Superintendent			
Austin M. Reed		Superintendent			
Edwin M. Reed		Superintendent			
Gilbert Kay		Superintendent			
John Shay		Superintendent			
Thomas Deady		Superintendent			
Frank D. Robinson		Superintendent			
Perry Beckwith		Superintendent			
Floyd Rosenkrans		Superintendent			
George B. Fettingill		Superintendent			
Olin Bennett		Superintendent			
Charles Jackson		Superintendent			
Patrick Neville		Superintendent			
A. E. Follett		Superintendent			
Theodore Downing		Superintendent			
Della Dunham		Superintendent			
Grace Davern		Superintendent			
Nora Scanlan		Superintendent			
Margie S. Grubb		Superintendent			

Johanna Dunn	Attendant	Superintendent	16 00 per m'th.	D	May	15, 1905
Nellie Dunn	Attendant	Superintendent	6 00 per m'th.	D	June	24, 1907
Emma Lounsbury	Attendant	Superintendent	11 00 per m'th.	D	October	16, 1903
Anna Holmes	Attendant	Superintendent	15 00 per m'th.	D	March	27, 1904
Emogene Thompson	Attendant	Superintendent	12 00 per m'th.	D	November	1, 1905
Olive Cole	Attendant	Superintendent	11 00 per m'th.	D	June	7, 1907
Agnes Cole	Attendant	Superintendent	12 00 per m'th.	D	November	1, 1905
Ernest Rider	Attendant	Superintendent	14 00 per m'th.	D	November	8, 1905
Stella Frankila	Attendant	Superintendent	15 00 per m'th.	D	April	4, 1905
Helen Van Patten	Attendant	Superintendent	12 00 per m'th.	D	May	6, 1907
Clara Torrey	Attendant	Superintendent	20 00 per m'th.	D	March	18, 1907
Lavina Hendricks	Attendant	Superintendent	18 00 per m'th.	D	February	6, 1905
Ella Furman	Attendant	Superintendent	16 00 per m'th.	D	March	10, 1904
Mary Noonan	Attendant	Superintendent	16 00 per m'th.	D	March	23, 1905
Mrs. Cullin	Attendant	Superintendent	16 00 per m'th.	D	April	4, 1905
Anna Westcott	Attendant	Superintendent	18 00 per m'th.	D	February	1, 1907
Mary Rosenkrans	Attendant	Superintendent	18 00 per m'th.	D	May	9, 1905
Sarah Stewart	Attendant	Superintendent	13 00 per m'th.	D	April	25, 1907
Mrs. Deady	Attendant	Superintendent	12 00 per m'th.	D	August	2, 1907
Kittie Wales	Attendant	Superintendent	12 00 per m'th.	D	August	15, 1907
Mrs. Ella Ayres	Attendant	Superintendent	10 00 per m'th.	D	September	2, 1905
Permelia Anson	Attendant	Superintendent	10 00 per m'th.	D	September	22, 1907
Daniel O'Malley	Attendant	Superintendent	14 00 per m'th.	D	September	1, 1905
Emma Noranton	Attendant	Superintendent	10 00 per m'th.	D	September	11, 1905
Mrs. Della Hardenburgh	Attendant	Superintendent	10 00 per m'th.	D	September	12, 1905
Belle Knowles	Attendant	Superintendent	10 00 per m'th.	D	February	7, 1905
Mrs. Lizzie Wilbur	Attendant	Superintendent	10 00 per m'th.	D	February	22, 1905
Ezra Crippens	Attendant	Superintendent	10 00 per m'th.	D	February	25, 1905
James L. Crane	Attendant	Superintendent	14 00 per m'th.	D	July	2, 1905
Flora Baker	Attendant	Superintendent	15 00 per m'th.	D	July	8, 1905
Maggie Kilby	Chambermaid	Superintendent	10 00 per m'th.	D	July	10, 1905
Rosa De Witte	Attendant	Superintendent	13 00 per m'th.	D	July	21, 1905
Merton E. Lasher	Attendant	Superintendent	11 00 per m'th.	D	July	24, 1905
Kittie Quinn	Attendant	Superintendent	14 00 per m'th.	D	March	7, 1905
Nellie Quinn	Attendant	Superintendent	10 00 per m'th.	D	March	10, 1905
Mary Foley	Attendant	Superintendent	10 00 per m'th.	D	February	12, 1905
Eva Logan	Attendant	Superintendent	10 00 per m'th.	D	February	14, 1905
M. C. Bapte	Attendant	Superintendent	14 00 per m'th.	D	February	20, 1905
George Lewis	Attendant	Superintendent	14 00 per m'th.	D	February	22, 1905
Lida Barry	Attendant	Superintendent	10 00 per m'th.	D	February	25, 1905
Kate Wood	Attendant	Superintendent	12 00 per m'th.	D	October	12, 1907
Thomas K. Johnson	Attendant	Superintendent	13 00 per m'th.	D	October	20, 1907
Mrs. T. K. Johnson	Nightwatch	Superintendent	13 00 per m'th.	D	October	30, 1907
Lena Raymond	Attendant	Superintendent	12 00 per m'th.	D	November	10, 1907
Jeasie Blocum	Attendant	Superintendent	12 00 per m'th.	D	November	11, 1907
Nellie Stanley	Attendant	Superintendent	13 00 per m'th.	D	November	15, 1907
Olive Eddy	Attendant	Superintendent	10 00 per m'th.	D	September	24, 1905
Charles O'Neal	Attendant	Superintendent	13 00 per m'th.	D	November	15, 1907
Burt Nelson	Attendant	Superintendent	13 00 per m'th.	D	September	25, 1905

APPENDIX F—BINGHAMTON ASYLUM—(Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Date of entrance into position.
Thomas Sheshan	Attendant	Superintendent	\$12 00 per m'th.	November 22, 1887
William K. Bates	Attendant		12 00 per m'th.	September 28, 1888
Ellis Cole	Attendant		12 00 per m'th.	December 19, 1887
Wm. W. Hall	Attendant		10 00 per m'th.	April 8, 1888
	Attendant		14 00 per m'th.	November 23, 1888
	Farm hand		20 00 per m'th.	April 9, 1888
	Attendant		15 00 per m'th.	April 3, 1888
	Attendant		14 00 per m'th.	October 19, 1888
	Attendant		14 00 per m'th.	April 23, 1888
	Attendant		14 00 per m'th.	April 26, 1888
	Attendant		16 00 per m'th.	April 30, 1888
	Attendant		10 00 per m'th.	December 4, 1888
	Farm hand		16 00 per m'th.	May 4, 1888
	Farm hand		14 00 per m'th.	April 30, 1888
	Kitchen		10 00 per m'th.	October 4, 1888
	Kitchen		14 00 per m'th.	May 4, 1888
	Kitchen		10 00 per m'th.	December 17, 1888
	Attendant		10 00 per m'th.	May 4, 1888
	Attendant		10 00 per m'th.	December 30, 1888
	Attendant		18 00 per m'th.	May 4, 1888
	Attendant		11 00 per m'th.	December 19, 1888
	Attendant		10 00 per m'th.	May 8, 1888
	Attendant		10 00 per m'th.	December 20, 1888
	Attendant		10 00 per m'th.	May 15, 1888
	Attendant		10 00 per m'th.	December 22, 1888
	Attendant		10 00 per m'th.	May 14, 1888
	Attendant		10 00 per m'th.	August 15, 1888
	Assistant baker		14 00 per m'th.	August 15, 1888
	Farm hand		30 00 per m'th.	May 17, 1888
	Attendant		15 00 per m'th.	May 22, 1888
	Attendant		10 00 per m'th.	May 22, 1888
	Carpenter		10 00 per m'th.	August 17, 1888
	Laundry		26 00 per m'th.	October 15, 1888
	Attendant		10 00 per m'th.	May 23, 1888
	Attendant		15 00 per m'th.	August 23, 1888
	Wash-room		15 00 per m'th.	August 29, 1888
	Sewing girl		10 00 per m'th.	May 23, 1888
	Laundry		13 00 per m'th.	October 16, 1888
	Laundryman		10 00 per m'th.	June 1, 1888
	Farm hand		14 00 per m'th.	October 16, 1888
	Laundry		10 00 per m'th.	June 7, 1888
			10 00 per m'th.	October 16, 1888

Maggie Slack	Mending-room	Superintendent.....	13 00 per m'th.	D	June 17, 1888
Mrs. Margaret Diamond	Cook	Superintendent.	13 00 per m'th.	D	June 27, 1888
Benj. Butler	Attendant		14 00 per m'th.	D	January 6, 1888
Irling Gates.....	Attendant		14 00 per m'th.	D	September 30, 1888
Mollie Mangan	Attendant		14 00 per m'th.	D	August 28, 1886
Dora Barton	Attendant		10 00 per m'th.	D	June 18, 1888
Lizzie Furgeson.....	Attendant		10 00 per m'th.	D	November 22, 1888
Edward Buckley	Attendant		14 00 per m'th.	D	June 27, 1888
Hattie Sperring	Attendant		10 00 per m'th.	D	June 27, 1888
Arthur C. Mix.....	Attendant		14 00 per m'th.	D	August 31, 1888
William Geer	Night-watch	Superintendent....	25 00 per m'th.	D	September 30, 1888

HUDSON RIVER HOSPITAL.

Joseph M. Cleaveland	Managers.....	Managers and supt.	\$4,500 00.	O	March 28, 1887
Frederick Petersen	Managers and supt.	Managers and supt.	3,000 00.	O	November 15, 1884
Chas. H. Langdon.....	Managers and supt.	Managers and supt.	1,500 00.	C	April 1, 1882
Paul E. Tiemann.....	Managers and supt.	Managers and supt.	1,000 00.	O	January 14, 1889
	Managers and supt.	Managers and supt.	1,500 00.	C	October 17, 1888
	Managers and supt.	Managers and supt.	1,000 00.	C	April 17, 1886
	Managers and supt.	Managers and supt.	1,000 00.	A	December 15, 1881
	Managers and supt.	Managers and supt.	45 00 per m'th.	C	August 1, 1888
	Managers and supt.	Managers and supt.	50 00 per m'th.	D	May 17, 1871
	Managers and supt.	Managers and supt.	30 00 per m'th.	D	April 15, 1872
	Managers and supt.	Managers and supt.	25 00 per m'th.	D	September 5, 1869
	Managers and supt.	Managers and supt.	18 00 per m'th.	D	June 29, 1887
	Managers and supt.	Managers and supt.	100 00 per m'th.	D	November 5, 1886
	Managers and supt.	Managers and supt.	40 00 per m'th.	D	March 28, 1885
	Managers and supt.	Managers and supt.	22 00 per m'th.	D	September 2, 1886
	Managers and supt.	Managers and supt.	18 00 per m'th.	D	September 28, 1888
	Managers and supt.	Managers and supt.	22 00 per m'th.	D	July 12, 1888
	Managers and supt.	Managers and supt.	50 00 per m'th.	D	May 9, 1883
	Managers and supt.	Managers and supt.	50 00 per m'th.	D	October 1, 1887
	Managers and supt.	Managers and supt.	20 00 per m'th.	D	August 2, 1878
	Managers and supt.	Managers and supt.	20 00 per m'th.	D	September 22, 1876
	Managers and supt.	Managers and supt.	16 00 per m'th.	D	May 2, 1879
	Managers and supt.	Managers and supt.	16 00 per m'th.	D	May 4, 1888
	Managers and supt.	Managers and supt.	14 00 per m'th.	D	June 1, 1887
	Managers and supt.	Managers and supt.	14 00 per m'th.	D	September 18, 1887
	Managers and supt.	Managers and supt.	16 00 per m'th.	D	October 7, 1878
	Managers and supt.	Managers and supt.	16 00 per m'th.	D	October 6, 1884
	Managers and supt.	Managers and supt.	18 00 per m'th.	D	April 4, 1884
	Managers and supt.	Managers and supt.	16 00 per m'th.	D	August 12, 1886
	Managers and supt.	Managers and supt.	14 00 per m'th.	D	January 25, 1886
	Managers and supt.	Managers and supt.	25 00 per m'th.	D	September 5, 1887
	Managers and supt.	Managers and supt.	38 00 per m'th.	D	October 16, 1888
	Managers and supt.	Managers and supt.	17 00 per m'th.	D	September 1, 1879
	Managers and supt.	Managers and supt.	15 00 per m'th.	D	July 14, 1885

APPENDIX F—HUDSON RIVER HOSPITAL—(Continued).

NAME.	Title of position.	Elected or appointed by		Date of entrance into position.
Clark Laurence.....	Attendant.....	Superintendent.....	\$18 00 per m'th.	August 24, 1883
David L. Davis.....	Attendant.....	.....	18 00 per m'th.	September 1, 1888
Edith Brock.....	Attendant.....	.....	16 00 per m'th.	October 1, 1888
Lizzie Conway.....	Attendant.....	.....	16 00 per m'th.	June 8, 1877
Ada L. Bryant.....	Attendant.....	.....	16 00 per m'th.	October 16, 1888
Lou Barrington.....	Attendant.....	.....	17 00 per m'th.	April 1, 1881
Ida R. Bryant.....	Attendant.....	.....	15 00 per m'th.	October 16, 1888
Catherine E. Secor.....	Attendant.....	.....	17 00 per m'th.	November 17, 1886
Bertha C. Fultz.....	Attendant.....	.....	15 00 per m'th.	August 8, 1888
Nannie J. Galvin.....	Attendant.....	.....	15 00 per m'th.	October 26, 1888
Annie Barrington.....	Attendant.....	.....	15 00 per m'th.	July 14, 1886
Sarah C. Galvin.....	Attendant.....	.....	15 00 per m'th.	October 26, 1888
Kate E. Riddle.....	Attendant.....	.....	14 00 per m'th.	January 31, 1886
Edna Niebur.....	Attendant.....	.....	13 00 per m'th.	November 29, 1888
Mary Ann Hughes.....	Attendant.....	.....	14 00 per m'th.	October 4, 1886
Charlotte Stephens.....	Attendant.....	.....	15 00 per m'th.	July 18, 1887
Edna McGee.....	Attendant.....	.....	14 00 per m'th.	December 21, 1888
Nellie Van Vlack.....	Attendant.....	.....	14 00 per m'th.	September 1, 1887
Emil Hubert.....	Attendant.....	Superintendent.....	19 00 per m'th.	October 5, 1888
William H. Pelis.....	Supervisor.....	Superintendent.....	30 00 per m'th.	June 27, 1881
Michael Colleton.....	Night-watch.....	Superintendent.....	27 00 per m'th.	December 10, 1877
John E. McHugh.....	Night-watch.....	Superintendent.....	22 00 per m'th.	March 14, 1887
Horace B. Bailey.....	Policeman and attendant.....	Superintendent.....	28 00 per m'th.	July 6, 1877
William J. Sheedy.....	Attendant.....	Superintendent.....	28 00 per m'th.	May 29, 1884
Andrew Stewart.....	Attendant.....	Superintendent.....	19 00 per m'th.	November 1, 1888
John G. Lewis.....	Attendant.....	Superintendent.....	26 00 per m'th.	April 4, 1885
John M. Lucy.....	Attendant.....	.....	18 00 per m'th.	November 1, 1888
George E. Griffin.....	Attendant.....	.....	22 00 per m'th.	August 27, 1888
Robert Neiderer.....	Attendant.....	.....	20 00 per m'th.	June 28, 1884
Charles A. Lafferty.....	Attendant.....	.....	20 00 per m'th.	June 3, 1886
C. F. Daniels.....	Attendant.....	.....	22 00 per m'th.	September 2, 1888
T. E. Burhans.....	Attendant.....	.....	23 00 per m'th.	June 17, 1886
Thomas J. O'Neil.....	Attendant.....	.....	21 00 per m'th.	May 3, 1887
Thomas J. Cole.....	Attendant.....	.....	19 00 per m'th.	August 16, 1887
Andrew Higgins.....	Attendant.....	.....	19 00 per m'th.	September 1, 1887
John O. Pyne.....	Attendant.....	.....	18 00 per m'th.	September 14, 1888
Frank A. Lafferty.....	Attendant.....	.....	20 00 per m'th.	March 8, 1887
Frank M. Kenyon.....	Attendant.....	.....	18 00 per m'th.	November 27, 1888
Edwin Hall.....	Attendant.....	.....	21 00 per m'th.	April 1, 1887
George Balabury.....	Attendant.....	.....	22 00 per m'th.	April 4, 1887
J. V. H. Miller.....	Clerk.....	.....	90 00 per m'th.	July 1, 1887
Martin Crawford.....	Engineer.....	.....	40 00 per m'th.	March 3, 1884

Florence McAuliffe.....	Fireman	Superintendent.....	60 00 per m th .	D	October	1, 1907
Marlin Delaney.....	Fireman	Superintendent.....	60 00 per m th .	D	January	1, 1909
Patrick O'Hare	Helper	Superintendent.....	60 00 per m th .	D	December	1, 1906
John Shea.....	Pumpman	Superintendent.....	57 00 per m th .	D	January	6, 1900
Edward Lange	Carpenter	Superintendent.....	75 00 per m th .	D	July	17, 1911
Joseph Hale	Carpenter	Superintendent.....	40 00 per m th .	D	April	4, 1907
Michael Gallagher	Hostler	Superintendent.....	45 00 per m th .	D	April	1, 1909
Henry Dickinson.....	Farmer	Superintendent.....	45 00 per m th .	D	July	11, 1907
Daniel Cole	Teamster	Superintendent.....	20 00 per m th .	D	December	10, 1909
Robert C. Wiley.....	Laborer	Superintendent.....	16 00 per m th .	D	November	1, 1905
Garrett Buck	Coal passer.....	Superintendent.....	50 00 per m th .	D	November	1, 1908
Peter Smith.....	Gardener	Superintendent.....	40 00 per m th .	D	March	26, 1915
Charles Lemke	Yardman	Superintendent.....	18 00 per m th .	D	December	1, 1909
William Walsh	Helper	Superintendent.....	50 00 per m th .	D	April	1, 1904
William S. Arnold.....	Attendant	Superintendent.....	19 00 per m th .	D	October	2, 1907
Frank Huth.....	Attendant	Superintendent.....	22 00 per m th .	D	October	4, 1907
John Morrisset.....	Carpenter's assistant	Superintendent.....	10 00 per m th .	D	October	19, 1907
Irrving Shephard.....	Attendant	Superintendent.....	19 00 per m th .	D	October	23, 1907
Minnie Hanson.....	Chambermaid and waitress	Superintendent.....	16 00 per m th .	D	October	24, 1907
Margaret Ryan.....	Attendant	Superintendent.....	13 00 per m th .	D	September	17, 1909
Harvey F. Jones.....	Attendant	Superintendent.....	18 00 per m th .	D	November	3, 1907
James J. Pyne.....	Waitress	Superintendent.....	13 00 per m th .	D	November	24, 1907
Josephine Stowle.....	Attendant	Superintendent.....	13 00 per m th .	D	November	26, 1907
Annie Boynton.....	Attendant	Superintendent.....	13 00 per m th .	D	December	5, 1907
Charles B. Hoffman.....	Attendant	Superintendent.....	18 00 per m th .	D	January	4, 1908
Aaron D. Kenyon	Attendant	Superintendent.....	22 00 per m th .	D	January	10, 1908
Thomas Hynes.....	Laundress	Superintendent.....	16 00 per m th .	D	February	3, 1908
Mary McCaffery.....	Attendant	Superintendent.....	13 00 per m th .	D	February	12, 1908
Phoebe Keller.....	Chambermaid and waitress	Superintendent.....	16 00 per m th .	D	February	27, 1909
Sophie Stowle	Attendant	Superintendent.....	13 00 per m th .	D	March	26, 1908
Benis Wilson	Clothing clerk	Superintendent.....	18 00 per m th .	D	March	27, 1908
Mary E. Jones.....	Dairyman	Superintendent.....	18 00 per m th .	D	January	20, 1911
James E. Bacon	Attendant	Superintendent.....	20 00 per m th .	D	January	12, 1908
Joseph Kesselmark	Attendant	Superintendent.....	18 00 per m th .	D	April	23, 1908
Frederick W. Coon	Laundress	Superintendent.....	12 00 per m th .	D	April	24, 1908
Sarah Ryan	Attendant	Superintendent.....	18 00 per m th .	D	July	18, 1908
William McGrath	Attendant	Superintendent.....	13 00 per m th .	D	May	10, 1908
Catharine Brice	Attendant	Superintendent.....	20 00 per m th .	D	June	15, 1908
Edward F. Brice.....	Kitchen help	Superintendent.....	18 00 per m th .	D	June	16, 1908
Robert Maul	Kitchen help	Superintendent.....	18 00 per m th .	D	May	11, 1908
Leonard Kesselmark	Kitchen help	Superintendent.....	16 00 per m th .	D	June	21, 1909
Wilhelm Neiner	Laundress	Superintendent.....	10 00 per m th .	D	June	11, 1909
Maggie Reardon	Stableman	Superintendent.....	20 00 per m th .	D	June	1, 1909
Daniel Hines	Dining-room	Superintendent.....	14 00 per m th .	D	June	20, 1909
Mary E. Murray.....	Superintendent.....	Superintendent.....		D	July	13, 1909

APPENDIX F -- (Continued).
BUFFALO ASYLUM.

NAME.	Title of position.	Managers	Salary.	Schedule.	Date of entrance into position.
Judson B. Andrews	\$4,000 00 per year.	C	November 15, 1880
William D. Granger	2,000 00 per year.	C	November 15, 1880
Arthur W. Hurd	1,400 00 per year.	C	August 7, 1885
Levi M. Beam	1,000 00 per year.	C	November 15, 1880
Elias S. Hawley	1,000 00 per year.	A	October 1, 1885
Clara J. Dickerman	500 00 per year.	C	February 1, 1888
A. T. Chester, D. D.	500 00 per year.	A	April 1, 1882
Harry A. Wood	40 00 per m'th.	C	August 1, 1885
Charles P. Cullen	40 00 per m'th.	C	July 7, 1887
Thomas Wilding	64 66 per m'th.	B	22, 1882
Sophia Clark	40 00 per m'th.	B	May 22, 1882
Martin McDonough	40 00 per m'th.	B	August 18, 1888
James W. Sargent	30 00 per m'th.	D	8, 1881
John Hayes	25 00 per m'th.	D	August 1, 1885
Thomas Marschman	Superintendent.	30 00 per m'th.	D	August 1, 1885
William S. Telford	Superintendent.	26 00 per m'th.	D	February 2, 1885
Henry Andrews	Superintendent.	26 00 per m'th.	D	November 1, 1885
.....	Superintendent.	22 00 per m'th.	D	June 28, 1884
.....	Superintendent.	22 00 per m'th.	D	November 12, 1888
.....	Superintendent.	28 00 per m'th.	D	August 24, 1881
.....	Superintendent.	22 00 per m'th.	D	October 8, 1885
.....	Superintendent.	20 00 per m'th.	D	March 2, 1887
.....	Superintendent.	20 00 per m'th.	D	March 8, 1887
.....	25 00 per m'th.	D	July 18, 1883
.....	22 00 per m'th.	D	October 1, 1885
.....	20 00 per m'th.	D	March 1, 1887
.....	22 00 per m'th.	D	July 13, 1888
.....	22 00 per m'th.	D	September 22, 1888
.....	45 00 per m'th.	D	February 25, 1881
.....	16 00 per m'th.	D	September 22, 1885
.....	13 00 per m'th.	D	October 15, 1888
.....	13 00 per m'th.	D	December 8, 1888
.....	28 00 per m'th.	D	May 10, 1884
.....	13 00 per m'th.	D	July 8, 1885
.....	13 00 per m'th.	D	June 9, 1887
.....	13 00 per m'th.	D	August 6, 1888
.....	16 00 per m'th.	D	April 1, 1888
.....	13 00 per m'th.	D	August 16, 1888
.....	13 00 per m'th.	D	April 21, 1887
.....	13 00 per m'th.	D	September 26, 1888

CIVIL SERVICE COMMISSION.

378

[illegible]

APPENDIX F -- BUFFALO ASYLUM -- (Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Peter Doyle.....	Attendant.....	Superintendent.....	\$22 00 per m'th.	D.....	September 23, 1886
Charles Frank.....	Attendant.....	Superintendent.....	26 00 per m'th.	D.....	April 10, 1888
Katharine Martin.....	Attendant.....	Superintendent.....	15 00 per m'th.	D.....	April 1, 1888

HOUSE OF REFUGE FOR WOMEN.

Sarah V. Coon.....	Superintendent.....	.....	\$1,500 00.....	C.....	November 1, 1886
E. Herriman.....	Book-keeper.....	.....	500 00.....	B.....	December 1, 1886
C. B. Cure.....	Steward.....	.....	1,200 00.....	C.....	January 1, 1887
John Mellen.....	Stableman.....	.....	600 00.....	D.....	January 1, 1887
John Dolan.....	Watchman.....	.....	540 00.....	D.....	January 1, 1887
E. A. Coventry.....	Matron of prison.....	.....	800 00.....	C.....	February 1, 1887
Mary C. Morris.....	Matron of hospital.....	.....	800 00.....	C.....	December 1, 1886
L. G. Stirling.....	Assistant matron, prison.....	.....	600 00.....	C.....	May 1, 1887
W. De Witt Bell.....	Watchman.....	.....	540 00.....	D.....	February 26, 1887
Walter Plase.....	Watchman.....	.....	540 00.....	D.....	November 1, 1887
Annie Murphy.....	Employe.....	.....	168 00.....	D.....	June 20, 1887
E. Caldwell.....	Assistant matron, prison.....	.....	500 00.....	D.....	June 1, 1888
M. McRoberts.....	Assistant matron, cottage No. 1.....	.....	300 00.....	C.....	June 1, 1888
E. A. Vary.....	Assistant matron, cottage No. 2.....	.....	300 00.....	C.....	June 1, 1888
M. L. Avery.....	Assistant matron, cottage No. 3.....	.....	300 00.....	C.....	June 1, 1888
H. J. Cotton.....	.....	.....	600 00.....	C.....	May 31, 1888
Clara Whitmarsh.....	No. 1.....	.....	300 00.....	D.....	December 1, 1888
Mary A. Pratt.....	No. 2.....	.....	300 00.....	D.....	November 1, 1888
James Wood.....	.....	.....	2 00 per day.....	D.....	November 2, 1888
Timothy Kirby.....	.....	.....	2 00 per day.....	D.....	November 2, 1888
G. H. Stirling.....	Teacher.....	Superintendent.....	300 00.....	B.....	November 1, 1888

AUBURN ASYLUM.

Carlos F. MacDonald.....	Superintendent.....	.....	\$5,500 00.....	C.....	January 1, 1881
Fred. Setton.....	Assistant physician.....	.....	1,200 00.....	C.....	March 6, 1886
W. M. Gilbert.....	Steward and book-keeper.....	.....	1,000 00.....	C.....	September 10, 1887
Eugene W. Hill.....	Apothecary.....	.....	35 00 per m'th.	C.....	November 22, 1888
John Grant.....	Supervisor.....	.....	55 00 per m'th.	D.....	June 12, 1881
Peter H. Keller.....	Steamfitter.....	.....	55 00 per m'th.	D.....	December 18, 1888
William Corey.....	Cook.....	.....	50 00 per m'th.	D.....	May 12, 1888
John Dunne.....	Night watchman.....	.....	30 00 per m'th.	D.....	June 1, 1888
Joseph D. Bixby.....	Night watchman.....	.....	45 00 per m'th.	D.....	September 14, 1884
James E. Stebbins.....	Day watchman.....	.....	45 00 per m'th.	D.....	September 26, 1888

Carpenter	Superintendent.....	50 00 per m'th.	D	.....	November 17, 1884
Gardener	Superintendent.....	30 00 per m'th.	D	.....	December 1, 1884
Baker and assistant cook.....	Superintendent.....	28 00 per m'th.	D	.....	October 17, 1885
Laundryman.....	Superintendent.....	28 00 per m'th.	D	.....	December 1, 1885
Gateman	Superintendent.....	26 00 per m'th.	D	.....	September 25, 1885
Laundress.....	Superintendent.....	16 00 per m'th.	D	.....	May 1, 1887
Laundress.....	Superintendent.....	16 00 per m'th.	D	.....	May 15, 1887
Housemaid.....	Superintendent.....	11 00 per m'th.	D	.....	June 1, 1887
Cook (officers).....	Superintendent.....	17 00 per m'th.	D	.....	February 22, 1887
Organist.....	Superintendent.....	5 00 per m'th.	D	.....	October 1, 1886
Night attendant	Superintendent.....	26 00 per m'th.	D	.....	February 28, 1886
Attendant	Superintendent.....	26 00 per m'th.	D	.....	September 18, 1884
Attendant	Superintendent.....	26 00 per m'th.	D	.....	May 1, 1886
Attendant	Superintendent.....	26 00 per m'th.	D	.....	May 6, 1886
Attendant	Superintendent.....	18 00 per m'th.	D	.....	July 9, 1886
Attendant	Superintendent.....	22 00 per m'th.	D	.....	December 31, 1886
Attendant	Superintendent.....	22 00 per m'th.	D	.....	December 27, 1886
Attendant	Superintendent.....	22 00 per m'th.	D	.....	December 27, 1886
Attendant	Superintendent.....	22 00 per m'th.	D	.....	January 2, 1887
Attendant	Superintendent.....	22 00 per m'th.	D	.....	December 2, 1886
Attendant	Superintendent.....	20 00 per m'th.	D	.....	January 11, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	April 2, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	March 14, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	March 9, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	November 9, 1886
Attendant	Superintendent.....	20 00 per m'th.	D	.....	May 23, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	August 5, 1887
Attendant	Superintendent.....	26 00 per m'th.	D	.....	June 4, 1886
Attendant	Superintendent.....	18 00 per m'th.	D	.....	August 30, 1886
Attendant	Superintendent.....	18 00 per m'th.	D	.....	August 10, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	October 1, 1887
Attendant	Superintendent.....	60 per day.	D	.....	October 19, 1887
Attendant	Superintendent.....	60 per day.	D	.....	January 16, 1888
Attendant	Superintendent.....	20 00 per m'th.	D	.....	November 26, 1887
Attendant	Superintendent.....	12 00 per m'th.	D	.....	December 1, 1887
Attendant	Superintendent.....	60 per day.	D	.....	January 9, 1888
Attendant	Superintendent.....	18 00 per m'th.	D	.....	December 10, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	January 28, 1888
Attendant	Superintendent.....	40 00 per m'th.	D	.....	September 16, 1888
Attendant	Superintendent.....	26 00 per m'th.	D	.....	March 16, 1888
Attendant	Superintendent.....	20 00 per m'th.	D	.....	November 21, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	November 23, 1887
Attendant	Superintendent.....	20 00 per m'th.	D	.....	January 14, 1888
Attendant	Superintendent.....	18 00 per m'th.	D	.....	January 26, 1888
Attendant	Superintendent.....	20 00 per m'th.	D	.....	February 3, 1888
Attendant	Superintendent.....	18 00 per m'th.	D	.....	September 26, 1888
Attendant	Superintendent.....	28 00 per m'th.	D	.....	August 3, 1888
Attendant	Superintendent.....	18 00 per m'th.	D	.....	December 6, 1888
Attendant	Superintendent.....	18 00 per m'th.	D	.....	March 16, 1888
Attendant	Superintendent.....	700 00 per year.	C	.....	November 14, 1887
ant physician.....	.....	.....	.....	.....	.....

APPENDIX F—AUBURN ASYLUM—(Continued).

NAME	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Frank Smitzer	Fireman	Superintendent.	\$25 00 per m'th.	D	May 2, 1888
William O'Connor	Attendant	.....	18 00 per m'th.	D	May 11, 1888
Michael Kiely	Attendant	.....	18 00 per m'th.	D	May 11, 1888
James Hancock	Farmer	.....	40 00 per m'th.	D	September 10, 1888
Julia Curtis	Waitress	.....	14 00 per m'th.	D	October 16, 1888
Christopher News	Attendant	.....	20 00 per m'th.	D	October 6, 1888
Frederick C. Bruce	Storekeeper	.....	26 00 per m'th.	D	November 7, 1888
Fred. Bingham	Teamster	Superintendent.	15 00 per m'th.	D	November 12, 1888
SYRACUSE ASYLUM.					
James C. Carson	Superintendent	Trustees	\$3,000 00	C	October 18, 1884
Alfred Wilkinson	Treasurer	.....	750 00	A	January 1, 1885
Benjamin N. Eastman	Steward	.....	1,000 00	O	February 28, 1874
Alvira Wood	Matron	.....	800 00	O	..... 1882
.....	Assistant matron	.....	400 00	C	September 1, 1886
.....	Teacher	.....	300 00	B	November 8, 1886
.....	Clerk	.....	490 00	B	April 27, 1880
.....	Usher	.....	240 00	D	July 15, 1888
.....	Supervisors	.....	500 00	D	October 1, 1878
.....	Housekeeper	.....	300 00	D	September 1, 1875
.....	Medical assistant	.....	400 00	C	July 20, 1888
.....	Teacher	.....	720 00	B	April 1, 1882
.....	Teacher	.....	400 00	B	..... 1882
.....	Teacher	.....	400 00	B	..... 1883
.....	Teacher	.....	400 00	B	October 1, 1877
.....	Teacher	.....	300 00	B	October 1, 1879
.....	Teacher	.....	300 00	B	October 1, 1886
.....	Teacher	.....	300 00	B	May 1, 1886
.....	Teacher	.....	200 00	B	September 1, 1887
.....	Nurse	.....	16 00 per m'th.	D	July 3, 1888
.....	Cook	.....	18 00 per m'th.	D	December 17, 1888
.....	Cook	.....	18 00 per m'th.	D	March 1, 1887
.....	Cook	.....	11 00 per m'th.	D	September 1, 1881
.....	Cook	.....	11 00 per m'th.	D	August 1, 1883
.....	Laundress	.....	15 00 per m'th.	D	..... 1877
.....	Laundress	.....	12 00 per m'th.	D	August 7, 1880
.....	Laundress	.....	11 00 per m'th.	D	August 8, 1880
.....	Seamstress	.....	16 00 per m'th.	D	..... 1886
.....	Seamstress	.....	11 00 per m'th.	D	December 9, 1886
.....	Seamstress	.....	11 00 per m'th.	D	May 1, 1887

Joanna Hayes	Seamstress	10 00 per m'th.	1 1887
Mary Nichols	Night-watch	16 00 per m'th.	10 1887
Margaret Luddy	Table girl	10 00 per m'th.	1889
Joanna Riley	Table girl	10 00 per m'th.	1874
Anna Callaghan	Table girl	10 00 per m'th.	1 1884
Agnes Luddy	Table girl	10 00 per m'th.	17 1884
Apple O'Neill	Hall girl	10 00 per m'th.	24 1888
Mary A. Bonner	Nurse	11 00 per m'th.	21 1887
Hattie Kelly	Nurse	11 00 per m'th.	1 1888
Hattie Chadwick	Attendant teacher	14 00 per m'th.	22 1884
Emma E. Ferson	Attendant teacher	14 00 per m'th.	1 1888
Anna C. Ferson	Attendant teacher	14 00 per m'th.	1 1888
Louisa Bowen	Attendant teacher	12 00 per m'th.	11 1887
Joanna Ryan	Supervisor	10 00 per m'th.	14 1887
Belle Clarke	Attendant	13 00 per m'th.	4 1888
Kate Riley	Attendant	10 00 per m'th.	1 1884
Matilda J. Barley	Attendant	10 00 per m'th.	2 1879
Mary Farrell	Attendant	10 00 per m'th.	1 1884
Mary McDonnell	Attendant	10 00 per m'th.	1 1887
Annie Hanlon	Attendant	10 00 per m'th.	10 1888
Annie Ballard	Attendant	10 00 per m'th.	1 1888
Louisa Friers	Attendant	10 00 per m'th.	21 1881
Annie Higgins	Attendant	10 00 per m'th.	1 1888
Nellie Ryan	Attendant	10 00 per m'th.	21 1887
Nophie Tynn	Attendant	10 00 per m'th.	1 1887
Walter R. Rand	Attendant	10 00 per m'th.	2 1887
David W. Sullivan	Attendant	28 00 per m'th.	17 1881
Deanna Sullivan	Attendant	23 00 per m'th.	4 1881
John Carrier	Attendant	30 00 per m'th.	18 1883
Jacob Belfert	Shoemaker	18 00 per m'th.	1 1884
George Ham	Gardener	40 00 per m'th.	17 1880
Alfred Ballard	Man	40 00 per m'th.	1 1888
Thomas F. Grant	Night watchman	40 00 per m'th.	1 1884
C. Finkbeiner	Carpenter	30 00 per m'th.	24 1884
Mrs. C. Finkbeiner	Farm bookkeeper	30 00 per m'th.	1 1880
Albert Taylor	Painter	18 00 per m'th.	1 1880
John Carey	Engineer	25 00 per m'th.	1 1888
Reuben Hall	Fireman	30 00 per m'th.	25 1886
Charles Van Aken	Teamster	18 00 per m'th.	1 1888
H. F. Bragdon	Laborer	40 00 per m'th.	14 1888
Joseph Hullar	Baker	40 00 per m'th.	1 1887
William Aurlinger	Man (Palmyra farm)	40 00 per m'th.	1 1887
William Davis and wife	Supervisors, farm	40 00 per m'th.	1 1888
Walter Larkin	Farmer, farm	40 00 per m'th.	1 1888
Etta Hamilton	Cook	25 00 per m'th.	1 1888
Apple Dolan	Seamstress	10 00 per m'th.	8 1888
Mary Boyle	Table girl	11 00 per m'th.	1 1888
Mary Gillick	Hall girl	10 00 per m'th.	1 1888
Annie E. Boyle	Attendant	9 00 per m'th.	24 1888
Nellie Flaherty	Attendant	10 00 per m'th.	16 1888
	Superintendent	9 00 per m'th.	1 1888

APPENDIX F—SYRACUSE ASYLUM—(Continued).

NAME	Salary.	Date of entrance into position.
Kate Cunniff	\$10 00 per m'th.	February 23, 1888
Minnie Clarke	10 00 per m'th.	November 9, 1888
Bridget Miller	9 00 per m'th.	October 20, 1887
Kate Dwyer	10 00 per m'th.	October 25, 1887
Ellen Sweeney	11 00 per m'th.	January 5, 1888
Bridget Dorsey	14 00 per m'th.	March 27, 1888
Maggie Dooling	11 00 per m'th.	May 28, 1888
Neille Walker	9 00 per m'th.	April 23, 1888
Mary Hayden	10 00 per m'th.	August 2, 1888
Mamie Hilgenberg	12 00 per m'th.	June 4, 1888
Imogene Haynes	10 00 per m'th.	April 6, 1888
Mary Smith	9 00 per m'th.	December 9, 1888
Hannah Dwyer	9 00 per m'th.	June 27, 1888
Carrie O. Seeley	14 00 per m'th.	April 27, 1888
Thomas Davis	17 00 per m'th.	April 30, 1888
Jerry Erwin	* 35 00 per m'th.	September 17, 1888
Venetta S. Laidlaw	192 00 per year.	June 25, 1888
Louise Richards	300 00 per year.	November 1, 1888
Maggie Beckwith	8 00 per m'th.	November 26, 1888
Cora B. Plumb	12 00 per m'th.	November 26, 1888
Lucy Hamblin	12 00 per m'th.	December 1, 1888
Kate Hayes	15 00 per m'th.	December 2, 1888
Margaret E. Boynton	12 00 per m'th.	December 31, 1888
Superintendent		

* Without board.

CUSTODIAL ASYLUM FOR WOMEN.

Superintendent	\$75 00 per m'th.	April, 1888
Matron	25 00 per m'th.	April, 1888
Assistant matron	15 00 per m'th.	November, 1887
Teacher	15 00 per m'th.	August, 1879
Seamstress	13 00 per m'th.	April, 1887
Cook	13 00 per m'th.	June, 1883
Baker	13 00 per m'th.	October, 1882
Dining-room	9 00 per m'th.	November, 1888
Dining-room	9 00 per m'th.	June, 1883
Attendant	9 00 per m'th.	March, 1883
Attendant	9 00 per m'th.	October, 1885
Attendant	9 00 per m'th.	October, 1886
Attendant	9 00 per m'th.	November, 1888

Maggie Walsh.....	Attendant.....	9 00 per m'th.	1887
Marie Woolson.....	Assistant laundress.....	13 00 per m'th.	March, 1887
Myra Andrews.....	Attendant.....	9 00 per m'th.	December 18, 1888
Mrs. Anna Barnes.....	Attendant.....	9 00 per m'th.	October, 1887
Godfrey Knapp.....	Man of all work.....	30 00 per m'th.	September, 1888
D. J. Rehkan.....	Engineer.....	45 00 per m'th.	February, 1887
James Dewey.....	Assistant engineer.....	35 00 per m'th.	April, 1887
Kroma Mentz.....	Dining-room.....	9 00 per m'th.	October, 1888
Mabel Butts.....	Attendant.....	9 00 per m'th.	December, 1887
Louise Klaus.....	Attendant.....	9 00 per m'th.	August, 1888
Etta Young.....	Attendant.....	9 00 per m'th.	December 12, 1888
Mary Mills.....	Seamstress.....	12 00 per m'th.	February, 1888
Annie Hover.....	Attendant.....	9 00 per m'th.	November 1, 1888
Susan Brown.....	Laundress.....	15 00 per m'th.	March, 1889
Celia Sayers.....	Dining-room.....	9 00 per m'th.	February, 1888
Teresa Aldrich.....	Attendant.....	9 00 per m'th.	February, 1888
Sarah Van Inwagen.....	Attendant.....	9 00 per m'th.	May, 1888
David Westfall.....	Teamster.....	30 00 per m'th.	June, 1888
	Superintendent.....		May, 1884

BATAVIA ASYLUM FOR THE BLIND.

Position	Name	Salary	Term	Notes
Superintendent	A. G. Clement	\$1,500 00	June 10, 1883	
Accountant	F. M. Jameson	1,200 00	February 11, 1878	
Matron	Mrs. M. E. Ashley	500 00	June 10, 1883	
Housekeeper	Mrs. F. H. Denison	400 00	July 9, 1890	
Assistant matron	Susan Anderson	300 00	July 9, 1877	
Visitors' attendant		300 00	June 1890	
Teacher		700 00	June 14, 1887	
Teacher		800 00	September 20, 1887	
Teacher		480 00	April 15, 1886	
Teacher		400 00	October 15, 1882	
Teacher		500 00	September 1879	
Teacher		400 00	September 9, 1883	
Teacher		400 00	July 9, 1890	
Teacher		400 00	August 27, 1890	
Teacher		400 00	July 15, 1895	
Teacher		400 00	July 14, 1892	
Teacher		400 00	June 14, 1871	
Teacher		400 00	September 1887	
Teacher		300 00	June 1872	
Teacher		400 00	June 1895	
Physician		400 00	June 1895	
Bandmaster		1 50 per day	September 1888	
Mattress teacher		1 50 per day	September 1890	

APPENDIX F — (Continued).
NEW YORK INSTITUTION FOR THE BLIND.

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
William B. Wait.....	Superintendent.....	Managers.....	\$2,500 00.....	.....	1869
W. A. Hume.....	Physician.....	Managers.....	400 00.....	.....	1892
William Harrison.....	Steward.....	Managers.....	1,200 00.....	.....	1882
L. A. Haskell.....	Matron.....	Managers.....	875 00.....	.....	1889
L. A. Rogers.....	Assistant matron.....	Managers.....	450 00.....	.....	1871
William Browne.....	Managers.....	400 00.....	.....	1877
Stephen Babcock.....	Managers.....	1,600 00.....	.....	1856
E. W. Jones.....	Superintendent.....	600 00.....	.....	1884
M. E. Rowell.....	Superintendent.....	400 00.....	.....	1889
L. L. Greene.....	Superintendent.....	400 00.....	.....	1894
C. A. Boomhour.....	Superintendent.....	384 00.....	.....	1873
Mias E. Stewart.....	Superintendent.....	300 00.....	.....	1888
M. E. Gulle.....	Superintendent.....	300 00.....	.....	1896
N. Boomhour.....	Superintendent.....	306 00.....	.....	1881
C. Hurl.....	Superintendent.....	300 00.....	.....	September 1, 1887
H. A. Babcock.....	Superintendent.....	650 00.....	.....	1876
Kate Connell.....	Superintendent.....	400 00.....	.....	1865
Miss F. M. Arnold.....	Superintendent.....	300 00.....	.....	1886
Miss M. Doane.....	Superintendent.....	275 00.....	.....	1868
Miss E. E. Kerr.....	Superintendent.....	275 00.....	.....	1886
Henry C. Coffee.....	Superintendent.....	649 00.....	.....	1892
Warren Waterbury.....	Superintendent.....	1,000 00.....	.....	1856
Daniel McClintock.....	420 00.....	.....	1872
Ann E. Cox.....	250 00.....	.....	1859
Miss C. Townsend.....	325 00.....	.....	1893
Miss H. M. Rodney.....	160 00.....	.....	1873
A. E. Hamlin.....	300 00.....	.....	1888
Anna J. Sheridan.....	17 33.....	.....	.....
M. A. Hatchman.....	12 50.....	.....	.....
M. McSwiney.....	18 00.....	.....	.....
Mrs. N. C. Myers.....	16 00.....	.....	.....
William Hyde.....	108 00.....	.....	.....
Nicholas Tallon.....	60 00.....	.....	.....
M. Foley.....	40 00.....	.....	.....
J. W. Spear.....	35 00.....	.....	.....
Henry A. Smart.....	40 00.....	.....	.....
D. Macfarlane.....	35 00.....	.....	.....
Anna Lorenz.....	18 00.....	.....	.....
Agnes Wiley.....	16 00.....	.....	.....
M. Alderdice.....	12 00.....	.....	.....
R. Cunningham.....	13 00.....	.....	.....
.....	1888
.....	1890
.....	1892

K. Hoey	Dining-room girl.....	Superintendent.....	12 00.....	D	October 18, 1888
Ellen Keegan.....	Kitchen girl.....	Superintendent.....	12 00.....	D	October 18, 1888
Margaret Donohue.....	Housework.....	Superintendent.....	14 00.....	D	March 1, 1888
M. A. Donohue	Housework.....	Superintendent.....	14 00.....	D	March 1, 1888
Mary Hoey	Housework.....	Superintendent.....	12 00.....	D	March 1, 1888
Bridget Lawler.....	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
M. A. McCabe	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
Catharine Ward	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
Bridget Gallagher	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
M. Ghee.....	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
J. Fitzgerald.....	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
Mary Casey	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
Mary Fitzgerald.....	Housework.....	Superintendent.....	12 00.....	D	June 1, 1888
Rose McGuire	Laundry.....	Superintendent.....	14 00.....	D	June 1, 1888
M. A. McAvoy.....	Laundry.....	Superintendent.....	12 00.....	D	June 1, 1888
Ann Fleming	Laundry.....	Superintendent.....	12 00.....	D	June 1, 1888
Kate McGowan.....	Seamstress.....	Superintendent.....	12 00.....	D	June 1, 1888
Miss E. Berre	Seamstress.....	Superintendent.....	12 00.....	D	June 1, 1888
Jenny Wilson.....	Watchman	Superintendent.....	16 00.....	D	June 1, 1888
John Kupperchmidt.....	Baker	Superintendent.....	30 00.....	D	June 1, 1888
William Schieswhol	Laundry.....	Superintendent.....	35 00 per m'th.....	D	June 1, 1888
Bridget Rogers.....	Laundry.....	Superintendent.....	12 00 per m'th.....	D	June 1, 1888
Clara Dunne	Laundry.....	Superintendent.....	12 00 per m'th.....	D	June 1, 1888
M. A. Haslin	Laundry.....	Superintendent.....	12 00 per m'th.....	D	June 1, 1888
Sarah Cole	Kitchen	Superintendent.....	14 00 per m'th.....	D	June 1, 1888
Florence M. Elliott.....	Second nurse	Superintendent.....	16 00 per m'th.....	D	June 1, 1888
Kate Feurey	Laundress	Superintendent.....	12 00 per m'th.....	D	June 1, 1888

SOLDIERS AND SAILORS' HOME.

William F. Rogers	Superintendent	Governor.....	\$2,000 00.....	A	October 6, 1887
George C. McNett, M. D	Surgeon	Managers	1,500 00.....	C	September 1, 1887
Samuel H. Leavitt	Adjutant	Managers	900 00.....	C	August 1, 1887
Lewis M. Rose	Assistant surgeon.....	Managers	720 00.....	C	September 1, 1887
Chas. C. Leavens.....	Steward	Managers	900 00.....	C	November 1, 1878
H. H. Havill	Engineer	Superintendent.....	900 00.....	D	January 20, 1890
E. A. Havill	Assistant engineer.....	Superintendent.....	50 00 per m'th.....	D	August 1, 1883
Henry Drummer.....	Flotist	Superintendent.....	40 00 per m'th.....	D	November 20, 1886
R. H. McPherson.....	Clerk.....	Superintendent.....	40 00 per m'th.....	B	October 15, 1884
C. L. Shaw	Hospital cook.....	Superintendent.....	50 00 per m'th.....	D	October 15, 1884
E. W. Hammond.....	Farmer.....	Superintendent.....	35 00 per m'th.....	D	October 15, 1884
Robt. McCullough.....	Garjener.....	Superintendent.....	32 00 per m'th.....	D	April 1, 1886
Michael Hanrahan.....	Farm hand.....	Superintendent.....	20 00 per m'th.....	D	April 1, 1886
Martin Hanrahan	Farm hand.....	Superintendent.....	20 00 per m'th.....	D	April 1, 1886
Luther Edsell	Farm hand.....	Superintendent.....	20 00 per m'th.....	D	April 1, 1886
Frank Hammond.....	Farm hand.....	Superintendent.....	12 00 per m'th.....	D	April 1, 1886
George Spencer	Laborer	Superintendent.....	1 00 per day.....	D	April 1, 1886

APPENDIX F—(Continued).
INSTITUTION FOR DEAF-MUTES, NEW YORK CITY.

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
D. Greenberger.	Principal.	Trustees.	\$5,000 00.	C.	1873
D. L. Elmendorf.	Teacher.	Principal.	1,250 00.	B.	1881
Carl R. Krone.	Teacher.	Principal.	1,000 00.	B.	1885
G. W. Hutchinson.	Teacher.	Principal.	900 00.	B.	1888
E. S. Thompson.	Teacher.	Principal.	500 00.	B.	1887
Max F. Plan.	Teacher, painting.	Principal.	\$ 75 per day.	B.	1883
C. H. Nichols.	Teacher, modeling.	Principal.	2 50 per day.	B.	1887
Harvey Mitchell.	Teacher, industrial training.	Principal.	400 00.	B.	1885
J. H. DeGrodt.	Teacher, metal work.	Principal.	2 50 per day.	B.	1887
Miss L. M. Parkhurst.	Teacher.	Principal.	720 00.	B.	1888
Miss E. A. Brown.	Teacher.	Principal.	500 00.	B.	1879
Miss M. E. Potwin.	Teacher.	Principal.	500 00.	B.	1881
Miss C. H. Summers.	Teacher.	Principal.	480 00.	B.	1886
Miss L. J. Smith.	Teacher.	Principal.	450 00.	B.	1881
Miss E. Nesbitt.	Teacher.	Principal.	450 00.	B.	1882
Miss N. Reamey.	Teacher.	Principal.	450 00.	B.	1882
Miss M. Marshall.	Teacher.	Principal.	450 00.	B.	1886
Miss N. L. Summers.	Teacher.	Principal.	450 00.	B.	1888
Miss I. A. Parmelee.	Matron.	Principal.	480 00.	B.	1888
Miss S. H. McCreary.	Assistant matron.	Principal.	215 00.	C.	1888
Miss E. Black.	Assistant matron.	Principal.	275 00.	C.	1, 1888
Mrs. E. V. Pettinger.	Steward.	Principal.	900 00.	C.	1885
E. E. Hoffman.	Engineer.	Principal.	720 00.	D.	1885
J. Kammerer.	Montreess.	Principal.	180 00.	D.	1887
Mrs. O. F. Morley.	Supervisor, boys.	Principal.	200 00.	D.	1881
F. W. Nubser.	Secretary.	Principal.	900 00.	B.	1875
H. Moenthal.	Janitor.	Principal.	480 00.	B.	1882
Martin E. Meagher.	Watchman.	Principal.	300 00.	D.	1886
D. Gillespie.	Nurse.	Principal.	215 00.	D.	1, 1875
Eliza Dupont.					

LE COUTEULX ST. MARY'S INSTITUTION FOR DEAF AND DUMB, BUFFALO, N. Y.

P. S. Dunne.	President and chaplain.	Trustees.	\$600 00.	A.	March 1, 1880
G. S. Mackay.	Assurer.	President.	200 00.	C.	January 1, 1876
Sister Mary Anne Burke.	and matron.	President.	600 00.	A.	June 1, 1883
Sister Philip Hatwell.		President.	600 00.	C.	January 1, 1882
Sister Isidore Gernon.		President.	400 00.	B.	January 8, 1873
Sister Alexis Walker.		President.	400 00.	B.	January 1, 1876

Sister	Teacher	President	400 00	B	October	1, 1876
Sister	Teacher	President	400 00	B	July	1, 1877
Sister	Teacher	President	400 00	B	January	9, 1875
Sister	Teacher	President	300 00	B	January	1, 1884
Sister	Teacher	President	300 00	B	January	1, 1883
Sister	Teacher	President	300 00	B	January	1, 1886
Sister	Teacher	President	300 00	B	January	1, 1888
Miss	Teacher	President	300 00	B	January	1, 1878
Miss	Teacher	President	300 00	B	October	1, 1882
Sister	Teacher	President	300 00	B	October	1, 1885
Sister	Teacher	President	300 00	C	October	1, 1887
Sister	Teacher	President	250 00	C	January	1, 1879
Sister	Assistant matron	President	250 00	D	October	1, 1876
Sister	Typewriter	President	250 00	D	January	1, 1880
Sister	Tailor and supervisor	President	250 00	D	October	1, 1892
Sister	Dressmaker	President	250 00	D	July	1, 1885
Mr. Frank	Tailor	President	250 00	D	October	1, 1885
Sister	Supervisor and seamstress	President	200 00	D	October	1, 1885
Sister	Visitors' attendant	President	200 00	D	October	1, 1885
Sister	Nurse	President	200 00	D	October	1, 1885
Sister	Cook	President	200 00	D	October	1, 1885
Sister	Branch H, cook	President	150 00	D	January	1, 1885
Sister	Branch H, assistant cook	President	150 00	D	October	1, 1885
Sister	Branch H, assistant cook	President	150 00	D	January	1, 1886
Sister	Seamstress	President	150 00	D	October	1, 1882
Miss Ellen Walsh	Seamstress	President	150 00	D	April	1, 1888
Sister	Dining-room work	President	150 00	D	October	4, 1892
Sister	Dining-room work	President	150 00	D	October	1, 1885
Sister	Dining-room work	President	150 00	D	January	1, 1885
Sister	Baker	President	150 00	D	April	1, 1877
Sister	Assistant baker	President	130 00	D	October	1, 1887
Sister	Assistant baker	President	130 00	D	October	1, 1885
Sister	Laundress	President	144 00	D	January	1, 1878
Sister	Assistant laundress	President	120 00	D	October	1, 1882
Sister	Assistant laundress	President	120 00	D	January	1, 1888
Sister	Teacher of drawing	President	100 00	B	October	1, 1886
Sister	Laundress	President	100 00	D	October	1, 1885
Sister	Laundress	President	100 00	D	October	1, 1885
Sister	Foreman, shoe-shop	President	650 00	D	May	1, 1884
Sister	Assistant in shoe-shop	President	450 00	D	May	1, 1884
Sister	Engineer	President	300 00	D	April	1, 1880
Sister	Carpenter	President	180 00	D	January	1, 1882
Sister	Farm help	President	240 00	D	January	1, 1888
Mr. John Garland	Boy for horse	President	120 00	D	January	1, 1888
Mr. Thomas Ahearn						
Mr. Joseph Higgins						

APPENDIX F — (Continued).
INSTITUTION FOR DEAF AND DUMB, MALONE, N. Y.

NAME	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Henry C. Rider	Superintendent.	Trustees	\$3,000 00*	C	September 1, 1884
	Matron		400 00*	C	September 1, 1884
	Teacher		1,000 00†	B	September 1, 1884
	Teacher		1,000 00†	B	September 1, 1885
	Teacher		1,000 00†	B	September 1, 1886
	Teacher		300 00*	B	March 8, 1886
	Assistant matron	Superintendent	200 00*	C	September 1, 1886
	Teacher of articulation.	Superintendent	200 00†	B	September 1, 1887
John J. Timmerman	Treasurer	Managers	200 00	A	September 1, 1888
Mary Hemple	Supervisor of boys	Superintendent	300 00	D	September 12, 1888
Mrs. Eleanor L. Bracy	Seamstress	Superintendent	180 00	D	September 12, 1888
Almon Merritt	Seamstress	Superintendent	144 00	D	September 12, 1888
Helen L. Buck	Cook	Superintendent	300 00	D	September 12, 1888
	Domestic	Superintendent	156 00	D	September 12, 1888
	Domestic	Superintendent	156 00	D	September 12, 1888
	Janitor	Superintendent	144 00	D	September 12, 1888
	Nightwatch	Superintendent	84 00	D	September 12, 1888
	Instructor, shoe shop	Superintendent	480 00	D	September 7, 1888
	Instructor, tailor shop	Superintendent	384 00	D	December 8, 1888
	Laundress	Superintendent	1 00 per day.	D	September 12, 1888
Mrs. Phoebe Lancto.	Laundress	Superintendent	1 00 per day.	D	September 12, 1888

* With board.

† Without board.

NEW YORK BOARD OF EXCISE.

Charles H. Woodman	Commissioner	Mayor	\$6,000 00	Exempt.	May 1, 1886
William S. Andrews	Commissioner	Mayor	6,000 00	Exempt.	May 1, 1886
John Von Glahn	Commissioner	Mayor	6,000 00	Exempt.	May 1, 1886
Charles W. Dayton	Counsel	Commissioners	6,000 00	A	May 1, 1886
George H. Gale	Secretary	Commissioners	3,000 00	A	September 1, 1889
A. E. Parkhurst	Cashier	Commissioners	2,500 00	A	July 7, 1885
Ernest Bentua	Assistant cashier	Commissioners	1,500 00	A	March 1, 1887
George B. Colby		Commissioners	2,500 00	C	March 2, 1887
John F. Quinn		Commissioners	2,500 00	B	October 8, 1886
F. B. Leland		Commissioners	2,000 00	C	November 16, 1886
Louis Aikie		Commissioners	1,200 00	B	May 28, 1884
Edgar M. Tomlinson		Commissioners	2,500 00	C	May 1, 1886
F. H. Hargrove		Commissioners	1,800 00	C	March 1, 1885
O. E. Gilderblove		Commissioners	1,800 00	C	March 1, 1887

William H. H. Abell.....	Special Inspector.....	.....	1,500 00.....	.....	March 1, 1887
Charles W. Brandt.....	Special Inspector.....	.....	1,500 00.....	.....	July 7, 1888
William H. Lees.....	Special Inspector.....	.....	1,500 00.....	.....	May 15, 1888
Thomas McWaters.....	Special Inspector.....	.....	1,500 00.....	.....	July 7, 1888
Lansing Pruyn.....	Special Inspector.....	.....	1,500 00.....	.....	December 15, 1888
Jacob Kels.....	Special Inspector.....	.....	1,500 00.....	.....	June 21, 1887
John Toumey.....	Special Inspector.....	.....	1,500 00.....	.....	February 19, 1888
John Walker.....	Special Inspector.....	.....	1,500 00.....	.....	July 2, 1888
Wesley N. Yard.....	Special Inspector.....	.....	1,500 00.....	.....	March 1, 1887
Henry W. Blumer.....	Special Inspector.....	.....	1,500 00.....	.....	July 12, 1887
R. S. Baldwin.....	Inspector.....	.....	1,200 00.....	.....	August 9, 1887
David M. Barnes.....	Inspector.....	.....	1,200 00.....	.....	July 1, 1887
William Barry.....	Inspector.....	.....	1,200 00.....	.....	October 8, 1886
Richard Butler.....	Inspector.....	.....	1,200 00.....	.....	May 1, 1887
John J. Cavanagh.....	Inspector.....	.....	1,200 00.....	.....	January 21, 1882
James G. Coffey.....	Inspector.....	.....	1,200 00.....	.....	March 1, 1887
William J. Connolly.....	Inspector.....	.....	1,200 00.....	.....	December 1, 1886
Louis Diebner.....	Inspector.....	.....	1,200 00.....	.....	October 15, 1886
P. J. Darning.....	Inspector.....	.....	1,200 00.....	.....	August 9, 1887
John J. Haber.....	Inspector.....	.....	1,200 00.....	.....	December 8, 1885
James Harford.....	Inspector.....	.....	1,200 00.....	.....	May 28, 1884
A. K. Herlick.....	Inspector.....	.....	1,200 00.....	.....	November 23, 1886
Edward Kelly.....	Inspector.....	.....	1,200 00.....	.....	December 17, 1886
Peter J. Kelly.....	Inspector.....	.....	1,200 00.....	.....	October 1, 1886
Samuel G. Koch.....	Inspector.....	.....	1,200 00.....	.....	March 1, 1887
William J. Magee.....	Inspector.....	.....	1,200 00.....	.....	August 1, 1888
Patrick Loebe.....	Inspector.....	.....	1,200 00.....	.....	October 1, 1886
Richard McCullough.....	Inspector.....	.....	1,200 00.....	.....	November 1, 1886
P. J. Moriarty.....	Inspector.....	.....	1,200 00.....	.....	December 15, 1886
Joseph F. O'Brien.....	Inspector.....	.....	1,200 00.....	.....	November 24, 1886
Stephen O'Brien.....	Inspector.....	.....	1,200 00.....	.....	November 1, 1886
Jeremiah O'Connor.....	Inspector.....	.....	1,200 00.....	.....	October 1, 1886
Michael O'Rourke.....	Inspector.....	.....	1,200 00.....	.....	January 30, 1889
Francis Redmond.....	Inspector.....	.....	1,200 00.....	.....	March 1, 1887
Edward Starin.....	Inspector.....	.....	1,200 00.....	.....	October 25, 1886
Rudolph Von Baer.....	Inspector.....	.....	1,200 00.....	.....	March 1, 1887
Robert P. Walsh.....	Inspector.....	.....	1,200 00.....	.....	January 6, 1887
Emma G. Dymond.....	Cleaner.....	.....	800 00.....	.....	April 1, 1887
John Harper, Jr.....	Special Inspector.....	.....	1,500 00.....	.....	January 14, 1888
John H. Rapp.....	Special Inspector.....	.....	1,500 00.....	.....	January 23, 1888
David Rothschild.....	Engraving clerk.....	.....	1,200 00.....	.....	January 25, 1888
T. C. Dickerson.....	Inspector.....	.....	1,200 00.....	.....	October 26, 1887
John J. Hart.....	Inspector.....	.....	1,200 00.....	.....	November 18, 1887
Joseph Boylston.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888
Patrick Roche.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888
John A. Brown.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888
William Hogan.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888
Michael Haggerty.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888
Thomas E. Leeman.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888
Lawrence Collins.....	Inspector.....	.....	1,200 00.....	.....	February 1, 1888

APPENDIX F—NEW YORK BOARD OF EXCISE—(Continued).

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Frank Gullick	Inspector	Commissioners	\$1,200 00	C	February 1, 1888
P. M. W. Verhoeven	Inspector		1,200 00	C	February 1, 1888
Frederic Kaupmann	Inspector		1,200 00	C	February 1, 1888
Theodore W. Greig	Inspector		1,200 00	C	February 1, 1888
Joseph A. Flanly	Inspector		1,200 00	C	February 9, 1888
Louis Mand.	Inspector		1,200 00	C	February 10, 1888
Edward W. Hart.	Inspector		1,200 00	C	February 20, 1888
Joseph Krieger	Inspector		1,200 00	C	February 20, 1888
James F. Seery	Inspector		1,200 00	C	April 24, 1888
Albert W. F. Krause	Inspector		1,200 00	C	May 19, 1888
C. M. Buchler	Application clerk		1,200 00	C	November 20, 1888
George H. Fahrback	Application clerk		1,200 00	C	November 20, 1888
Charles A. Malloy	Inspector		1,200 00	C	December 18, 1888
David Hoyle	Special Inspector	Commissioners	1,500 00	C	February 1, 1888

BOARD OF COMMISSIONERS OF EMIGRATION.

H. J. Jackson	Superintendent	Commissioner	\$4,500 00	A	March 1, 1888
H. D. Glynn	Clerk, ex bureau	Commissioner	1,200 00	B	December 1, 1881
B. C. Tompkins	Clerk, ex. bureau	Commissioner	1,200 00	B	June 24, 1873
George L. Ievens		Commissioner	800 00	B	February 14, 1883
C. C. Vinton, M. D.	dent. hospital	Commissioner	1,200 00	C	January 31, 1889
O. F. Kindland		Commissioner	2 50 per day.	D	September 1, 1882
Louise Elsasser		Commissioner	420 00	D	December 31, 1885
D. T. Van Duser		Commissioner	1,200 00	B	August 16, 1887
Angelo Gallo		Commissioner	1,000 00	B	April 1, 1882
Mortz Silberstein		Commissioner	1,000 00	B	March 27, 1884
John Murphy	office	Commissioner	600 00	B	May 1, 1880
James O'Callaghan	office.	Commissioner	480 00	B	June 1, 1884
B. F. Colt	d bureau	Commissioner	1,000 00	B	March 27, 1884
Frederick Fink			2 50 per day.	D	April 9, 1880
Oaleb Tompkins			2 50 per day.	D	April 30, 1874
Henry Steinberg			2 50 per day.	D	February 28, 1884
Herman W. Reppe			2 50 per day.	D	April 8, 1888
Philip Wagner			1,200 00	B	July 15, 1883
Charles G. Eichler			1,200 00	B	July 15, 1883
Philip E. Herrlich			1,200 00	B	October 1, 1882
George H. Whitlock			20 00 per m'th.	C	December 29, 1888
Regina Stucklen			2 50 per day.	D	May 6, 1886
Abraham White			2 50 per day.	D	May 1, 1886
Sylvester Hagerman			2 50 per day.	D	May 1, 1886

James Collins	Gate-keeper	Commissioner	2 50 per day	D	September 24, 1885
William C. Miller	Messenger	Commissioner	2 50 per day	B	May 28, 1879
John Kilroy	Messenger	Commissioner	800 00	B	March 1, 1873
Wilhemina Heinman	Scrubber	Commissioner	1 00 per day	D	October 3, 1883
R. W. Christian	Carpenter	Commissioner	3 00 per day	D	June 3, 1873
Samuel Haight	Laborer	Commissioner	2 25 per day	D	November 1, 1873
John Gibbons	Laborer	Commissioner	2 25 per day	D	March 1, 1881
Michael Ryan	Laborer	Commissioner	2 25 per day	D	March 1, 1884
Edward Rauch	Orderly, hospital	Commissioner	30 00 per m'th.	D	April 1, 1884
G. A. Smith	Register clerk	Commissioner	900 00	B	September 11, 1887
John Decker	Watchman	Commissioner	2 50 per day	D	May 1, 1887
Richard Waldeck	Watchman	Commissioner	2 50 per day	D	April 1, 1887
E. Labishiner	Gate-keeper	Commissioner	2 50 per day	D	April 20, 1887
Peter Tighe	Gate-keeper	Commissioner	2 50 per day	D	May 8, 1887
Edward Dilger	Laborer	Commissioner	2 25 per day	D	August 1, 1887
George Mulder	Laborer	Commissioner	2 25 per day	D	May 1, 1887
Henry Bunce	Laborer	Commissioner	2 25 per day	D	March 24, 1887
Ann Levens	Janitress	Commissioner	20 00 per m'th.	D	August 1, 1887
John Geery	Laborer	Commissioner	70 00 per m'th.	D	December 1, 1886
Christopher Hes	Laborer	Commissioner	70 00 per m'th.	D	February 8, 1888
James McShine	Laborer	Commissioner	2 00 per day	D	February 16, 1888
Ferdinand Dwyer	Laborer	Commissioner	2 00 per day	D	February 1, 1888
Malcolm Douglas	Clerk ex. bureau	Commissioner	2 00 per day	D	April 1, 1888
Carl Herrenbruck	Register clerk	Commissioner	1,200 00	B	February 1, 1888
Anna Ranch		Commissioner	1,000 00	B	February 1, 1888
Charles Bensey		Commissioner	13 00 per m'th.	D	December 1, 1887
C. A. Raven		Commissioner	20 00 per m'th.	D	January 1, 1888
Paul Garbrecht		Commissioner	1,000 00	B	March 12, 1888
John J. Simpson	Department and of laborers.	Commissioner	180 00	D	May 1, 1888
Michael Grant		Commissioner	2,500 00	B	July 1, 1888
		Commissioner	900 00	B	September 1, 1888

EMIGRANT HOSPITAL AND REFUGE, WARD'S ISLAND.

W. B. Marple, M. D.	nd superintendent	Commissioners	\$3,000 00	C	January 31, 1889
Arthur C. Taylor	ar	Commissioners	800 00	B	March 1, 1882
Chas. McAllister		Commissioners	4,800 00	B	December 30, 1881
E. W. Lowe		Commissioners	900 00	B	May 1, 1882
E. J. Duffy		Commissioners	800 00	B	November 15, 1880
Edward Rogers		Commissioners	3 50 per day	D	May 1, 1887
William Milner, Jr.		Commissioners	730 00	D	July 1, 1886
Evers Ommen		Commissioners	620 00	D	August 1, 1884
Thomas J. Molloy		Commissioners	1 50 per day	D	November 1, 1882
F. G. People		Commissioners	500 00	D	October 3, 1876
John Connor		Commissioners	420 00	D	September 1, 1881
John Omerod		Commissioners	120 00	D	March 26, 1886
Peter Kaapohl		Commissioners	144 00	D	September 4, 1886
W. J. Bentley		Commissioners	120 00	D	October 16, 1888

APPENDIX F—EMIGRANT HOSPITAL AND REFUGE—(Continued).

NAME.	Title of position.	Elected or appointed by		Schedule.	Date of entrance into position.
Dora Meier	Cook	Commissioners	\$168 00	D	July 1, 1886
	Nurse	Commissioners	144 00	D	March 26, 1886
	Assistant nurse	Commissioners	144 00	D	August 1, 1886
	Scrub-woman	Commissioners	120 00	D	December 1, 1886
	Grave-digger	Commissioners	120 00	D	October 1, 1886
	Boatman	Commissioners	120 00	D	December 1, 1886
	Boatman	Commissioners	60 00	D	March 1, 1886
	Nurse	Commissioners	240 00	D	September 1, 1886
	Nurse	Commissioners	240 00	D	October 1, 1886
	Nurse	Commissioners	300 00	D	March 29, 1873
	Nurse	Commissioners	216 00	D	October 1, 1886
	Housekeeper	Commissioners	240 00	D	November 17, 1884
	Orderly	Commissioners	240 00	D	October 28, 1881
	Physician	Commissioners	1,800 00	C	July 1, 1886
	Chief orderly	Commissioners	480 00	D	July 1, 1886
	Boatman	Commissioners	60 00 per m'th.	D	November 1, 1886
	Night orderly	Commissioners	30 00 per m'th.	D	January 1, 1886
	Night orderly	Commissioners	18 00 per m'th.	D	October 1, 1887
	Assistant, cook-house	Commissioners	10 00 per m'th.	D	October 1, 1887
	Assistant, nursery	Commissioners	10 00 per m'th.	D	December 1, 1887
	Assistant, laundry	Commissioners	10 00 per m'th.	D	March 16, 1886
	Assistant, laundry	Commissioners	10 00 per m'th.	D	January 1, 1888
	Night nurse	Commissioners	15 00 per m'th.	D	February 8, 1888
	Night nurse	Commissioners	16 00 per m'th.	D	February 21, 1888
	Night nurse	Commissioners	20 00 per m'th.	D	December 1, 1887
	Attendant	Commissioners	12 00 per m'th.	D	March 1, 1888
	Attendant	Commissioners	18 00 per m'th.	D	March 16, 1888
	Attendant	Commissioners	20 00 per m'th.	D	January 21, 1888
	Night attendant	Commissioners	12 00 per m'th.	D	February 17, 1888
	Head nurse, nursery	Commissioners	23 00 per m'th.	D	October 20, 1887
	Night fireman, gas-house	Commissioners	20 00 per m'th.	D	March 16, 1888
	Orderly	Commissioners	18 00 per m'th.	D	March 17, 1888
	Head nurse, nursery	Commissioners	21 00 per m'th.	D	November 26, 1887
	Nurse	Commissioners	18 00 per m'th.	D	January 1, 1888
	Second attendant, asylum	Commissioners	15 00 per m'th.	D	February 10, 1888
	Undertaker	Commissioners	15 00 per m'th.	D	December 1, 1887
	Apothecary	Commissioners	600 00	D	January 1, 1888
	Assistant clerk	Commissioners	600 00	D	April 1, 1887
	Assistant engineer	Commissioners	300 00	D	April 10, 1887
	Head laundryman	Commissioners	300 00	D	February 1, 1887
	Cook	Commissioners	240 00	D	February 1, 1887
	Plowman	Commissioners	216 00	D	June 1, 1887

B. L. Brulte	Directress, stock-room	Commissioners	300 00	D	August	8, 1887
M. Ann Gannon	Scrub-woman	Commissioners	120 00	D	August	8, 1887
Alicia Kelly	Assistant, laundry	Commissioners	120 00	D	July	1, 1887
Carl Wenner	Messenger	Commissioners	60 00	D	August	1, 1887
James Kraupa	Boatman	Commissioners	60 00	D	April	18, 1887
Julius Goetz	Boatman	Commissioners	60 00	D	July	1, 1887
Martin Dieter	Boatman	Commissioners	60 00	D	June	15, 1887
Frederick Davies	Driver	Commissioners	60 00	D	June	1, 1887
George Lager	Driver	Commissioners	60 00	D	June	1, 1887
Mr. Van Slyke	Nurse	Commissioners	240 00	D	October	1, 1886
Eliza Schultz	Nurse	Commissioners	216 00	D	May	15, 1887
Marie Murphy	Nurse	Commissioners	216 00	D	May	15, 1887
Catherine Upton	Nurse	Commissioners	144 00	D	July	1, 1887
Lizzie McGarr	Waitress	Commissioners	120 00	D	July	1, 1887
Jens Rasmussen	Orderly	Commissioners	120 00	D	February	1, 1887
W. E. Stevens	Orderly	Commissioners	180 00	D	February	1, 1887
Josef Epp	Orderly	Commissioners	144 00	D	May	15, 1887
W. C. Deming		Commissioners	1,200 00	D	June	1, 1887
Sarah T. Wolf		Commissioners	240 00	D	December	1, 1886
Anton Egenlaub		Commissioners	264 00	D	June	1, 1887
Philip Scribner		Commissioners	216 00	D	June	15, 1887
William Hibbert		Commissioners	60 00	D	August	15, 1887
Hannah Kraus		Commissioners	60 00	D	September	1, 1887
Eliza Trauber		Commissioners	120 00	D	September	15, 1887
Henry Jones		Commissioners	4 00 per day	D	December	1, 1886
James Cornell		Commissioners	2 00 per day	D	December	15, 1886
Charles Herrel		Commissioners	216 00	D	April	6, 1888
William Selgel		Commissioners	144 00	D	May	25, 1888
Mary A. Anglim		Commissioners	144 00	D	September	10, 1888
Alfred Barron		Commissioners	180 00	D	July	11, 1888
Nellie Enright		Commissioners	300 00	D	July	1, 1888
William Burkens		Commissioners	180 00	D	October	1, 1888
Carl Olsson		Commissioners	180 00	D	November	1, 1888
Jennie Stuart		Commissioners	300 00	D	November	24, 1888
Albert Verkontern		Commissioners	1 00 per day	D	October	1, 1884

HOUSE OF REFUGE, RANDALL'S ISLAND.

Israel C. Jones	Managers	C	\$4,000 00	1861
Eliza A. Brush	Managers	C	1,700 00	1866
C. W. M. Jones	Managers	C	1,500 00	1863
William C. Steele	Managers	A	2,000 00	1862
George A. Spaulding	Managers	C	1,700 00	1870
Frank B. Smith	Managers	B	300 00	1884
E. H. Hallock	Managers	B	2,000 00	1864
Helen M. Underhill	Managers	B	500 00	1868
C. W. Manchester	Managers	B	1,000 00	1875
John Rankin	Managers	B	300 00	1885
B. H. Gallup	Managers	B	300 00	1878

Year	Month	Position	Salary
1860	October	Superintendent	\$300 00
1861	November	Superintendent	\$300 00
1862	December	Superintendent	\$300 00
1863	January	Superintendent	\$300 00
1864	February	Superintendent	\$300 00
1865	March	Superintendent	\$300 00
1866	April	Superintendent	\$300 00
1867	May	Superintendent	\$300 00
1868	June	Superintendent	\$300 00
1869	July	Superintendent	\$300 00
1870	August	Superintendent	\$300 00
1871	September	Superintendent	\$300 00
1872	October	Superintendent	\$300 00
1873	November	Superintendent	\$300 00
1874	December	Superintendent	\$300 00
1875	January	Superintendent	\$300 00
1876	February	Superintendent	\$300 00
1877	March	Superintendent	\$300 00
1878	April	Superintendent	\$300 00
1879	May	Superintendent	\$300 00
1880	June	Superintendent	\$300 00
1881	July	Superintendent	\$300 00
1882	August	Superintendent	\$300 00
1883	September	Superintendent	\$300 00
1884	October	Superintendent	\$300 00
1885	November	Superintendent	\$300 00
1886	December	Superintendent	\$300 00
1887	January	Superintendent	\$300 00
1888	February	Superintendent	\$300 00
1889	March	Superintendent	\$300 00
1890	April	Superintendent	\$300 00
1891	May	Superintendent	\$300 00
1892	June	Superintendent	\$300 00
1893	July	Superintendent	\$300 00
1894	August	Superintendent	\$300 00
1895	September	Superintendent	\$300 00
1896	October	Superintendent	\$300 00
1897	November	Superintendent	\$300 00
1898	December	Superintendent	\$300 00
1899	January	Superintendent	\$300 00
1900	February	Superintendent	\$300 00
1901	March	Superintendent	\$300 00
1902	April	Superintendent	\$300 00
1903	May	Superintendent	\$300 00
1904	June	Superintendent	\$300 00
1905	July	Superintendent	\$300 00
1906	August	Superintendent	\$300 00
1907	September	Superintendent	\$300 00
1908	October	Superintendent	\$300 00
1909	November	Superintendent	\$300 00
1910	December	Superintendent	\$300 00
1911	January	Superintendent	\$300 00
1912	February	Superintendent	\$300 00
1913	March	Superintendent	\$300 00
1914	April	Superintendent	\$300 00
1915	May	Superintendent	\$300 00
1916	June	Superintendent	\$300 00
1917	July	Superintendent	\$300 00
1918	August	Superintendent	\$300 00
1919	September	Superintendent	\$300 00
1920	October	Superintendent	\$300 00
1921	November	Superintendent	\$300 00
1922	December	Superintendent	\$300 00
1923	January	Superintendent	\$300 00
1924	February	Superintendent	\$300 00
1925	March	Superintendent	\$300 00
1926	April	Superintendent	\$300 00
1927	May	Superintendent	\$300 00
1928	June	Superintendent	\$300 00
1929	July	Superintendent	\$300 00
1930	August	Superintendent	\$300 00
1931	September	Superintendent	\$300 00
1932	October	Superintendent	\$300 00
1933	November	Superintendent	\$300 00
1934	December	Superintendent	\$300 00
1935	January	Superintendent	\$300 00
1936	February	Superintendent	\$300 00
1937	March	Superintendent	\$300 00
1938	April	Superintendent	\$300 00
1939	May	Superintendent	\$300 00
1940	June	Superintendent	\$300 00
1941	July	Superintendent	\$300 00
1942	August	Superintendent	\$300 00
1943	September	Superintendent	\$300 00
1944	October	Superintendent	\$300 00
1945	November	Superintendent	\$300 00
1946	December	Superintendent	\$300 00
1947	January	Superintendent	\$300 00
1948	February	Superintendent	\$300 00
1949	March	Superintendent	\$300 00
1950	April	Superintendent	\$300 00
1951	May	Superintendent	\$300 00

HEALTH OFFICE, PORT OF NEW YORK.

William M. Smith	Health officer	Governor	Fees	Exempt	March	24, 1880
E. B. Sanborn	Deputy health officer	Health officer	\$3,000 00	A	May	1, 1879
A. W. Smith	Deputy health officer	Health officer	2,400 00	A	June	1, 1885
Edward Keegan	Pilot	Health officer	1,080 00	D	March	14, 1873
Marcus Everts	Engineer	Health officer	1,080 00	D	October	14, 1877
Charles H. Paret	Ship carpenter	Health officer	900 00	D	March	2, 1872
Edward Crawford	Boatman	Health officer	600 00	D	March	2, 1882
William Beguine	Collector	Health officer	600 00	D	May	8, 1876
James O'Rourke	Ship-keeper	Health officer	720 00	D	June	1, 1885
O. C. Jennings	Deputy health officer	Health officer	2,700 00	A	July	1, 1884
William Seguine	Clerk	Health officer	960 00	B		
Daniel C. Dean	Watchman	Health officer	600 00	D	April	10, 1886

QUARANTINE COMMISSION.

[illegible]

APPENDIX F — QUARANTINE COMMISSION — (Continued).

	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
David H. Starin	Commissioners	\$1,200 00	C	July 10, 1898
Joseph Byers .....	.....	1,050 00	D	December 1, 1897
John Fitzgerald .....	.....	750 00	D	July 1, 1898
Thomas McKeon .....	.....	900 00	D	September 15, 1898
John Costigan	Commissioners	750 00	D	August 15, 1898

BOARD OF ELECTRICAL CONTROL, NEW YORK CITY.

Mayor of New York city	missioner, board of electrical	.....	Exempt..	.....
Jacob Hess	board of electrical control .....	.....	Exempt..	.....
Theodore Moss	board of electrical control .....	.....	Exempt..	.....
Daniel L. Gibbons	board of electrical control .....	.....	Exempt..	.....
Henry S. Kearney .....	.....	\$4,500 00	A	5, 1897
F. A. Lovcraft .....	.....	1,800 00	A	6, 1897
John W. Totten .....	.....	900 00	B	6, 1897
Henry Winans .....	.....	1,200 00	B	15, 1897
Schuyler S. Wheeler .....	.....	2,500 00	B	16, 1898
M. S. Keyes .....	.....	4 00 per day	B	13, 1898
F. J. Fitzpatrick .....	.....	4 00 per day	B	13, 1898
Christopher C. Reilly .....	.....	4 00 per day	B	9, 1898
George W. Roth .....	.....	4 00 per day	B	15, 1898
William Mitchell .....	.....	4 00 per day	B	18, 1898
Henry E. Bar'on .....	.....	4 00 per day	B	13, 1898
Leonard H. Wager .....	.....	4 00 per day	B	13, 1898

FIRST DISTRICT COURT, NEW YORK CITY.

Justice	Elected	\$5,000 00	Exempt..	January 1, 1898
Clerk	Justice	3,000 00	A	August 1, 1897
Assistant clerk	Justice	3,000 00	C	December 1, 1897
Stenographer	Justice	2,000 00	C	January 1, 1898
Interpreter	Justice	1,200 00	B	January 1, 1897
Attendant	Justice	1,000 00	C	November 1, 1897
Attendant	Justice	1,000 00	C	December 1, 1897
Janitor	Justice	900 00	B	January 15, 1898

SECOND DISTRICT COURT, NEW YORK CITY.

Charles M. Clancy.....	Justice	Elected	\$6,000 00.....	Exempt..	January	1, 1874
James Dumphy	Clerk.....	Justice	3,000 00.....	A	January	1, 1873
Francis Mangin	Assistant clerk	Justice	3,000 00.....	O	January	1, 1876
Samuel Wolf.....	Stenographer	Justice	2,000 00.....	O	January	1, 1876
Diedrich, Knabe.....	Interpreter	Justice	1,200 00.....	B	January	1, 1874
John H. Gaughan	Attendant	Justice	1,000 00.....	O	October	1, 1887
Hugh Taggart.....	Attendant	Justice	1,000 00.....	O	November	15, 1888
James McOullough.....	Janitor	Justice	900 00.....	B	September	15, 1883

THIRD DISTRICT COURT, NEW YORK CITY.

George B. Deane, Jr	Justice.....	Elected	\$6,000 00.....	Exempt..	January	1, 1888
William H. Corsa.....	Clerk.....	Justice	3,000 00.....	A	December	16, 1887
Whitfield Van Cott	Assistant clerk	Justice	3,000 00.....	C	October	24, 1878
Michael J. Kelly.....	Stenographer	Justice	2,000 00.....	C	January	1, 1876
Joseph Weill.....	Interpreter	Justice	1,200 00.....	B	November	12, 1882
Joseph D. Costa	Attendant	Justice	1,200 00.....	O	June	1, 1876
John McKeever.....	Attendant	Justice	1,200 00.....	C	January	1, 1876
Daniel Mooney	Janitor	Justice	900 00.....	B	January	1, 1882

FOURTH DISTRICT COURT, NEW YORK CITY.

Alfred Steckler	Justice.....	Elected	\$6,000 00.....	Exempt..	January	1, 1882
Julius Harburger	Clerk.....	Justice	3,000 00.....	A	December	20, 1887
George Hall	Assistant clerk	Justice	3,000 00.....	C	December	20, 1887
Caleb H. Redfern.....	Stenographer	Justice	2,000 00.....	C	December	20, 1887
William Kennedy	Attendant	Justice	1,000 00.....	O	January	5, 1888
Francis McNicol.....	Attendant	Justice	1,000 00.....	O	December	16, 1887
Patrick Brady	Janitor	Justice	900 00.....	B	December	16, 1887
Herman Fischer.....	Interpreter.....	Justice	1,200 00.....	B	March	23, 1888

FIFTH DISTRICT COURT, NEW YORK CITY.

Henry M. Goldfogle.....	Justice.....	Elected	\$6,000 00.....	Exempt..		
John Duane, Jr.....	Clerk.....	Justice	3,000 00.....	A		
James H. Shiels.....	Assistant clerk	Justice	3,000 00.....	C		
Arthur F. Dueret.....	Stenographer	Justice	2,000 00.....	O		
Jacob Katz.....	Interpreter.....	Justice	1,200 00.....	B		
James Lavery	Attendant	Justice	1,000 00.....	O		
James McAlarney.....	Attendant	Justice	1,000 00.....	O		
Chas. J. Newman.....	Janitor	Justice	900 00.....	B		

APPENDIX F—(Continued).

SIXTH DISTRICT COURT, NEW YORK CITY.

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Samson Lechman.....	Justice.....	Elected.....	\$6,000 00.....	Exempt..	January 1, 1888
Philip Ahern.....	Clerk.....	Justice.....	3,000 00.....	A.....	December 30, 1887
Abram Bernard.....	Assistant clerk.....	Justice.....	3,000 00.....	C.....	December 30, 1887
James A. Gill.....	Stenographer.....	Justice.....	2,000 00.....	C.....	January 8, 1888
Kaufman Worms.....	Interpreter.....	Justice.....	1,200 00.....	B.....	January 15, 1876
Michael Sullivan.....	Attendant.....	Justice.....	1,200 00.....	C.....	January 1, 1876
Chas. Boyle.....	Attendant.....	Justice.....	1,200 00.....	C.....	January 15, 1876
Lawrence J. Hines.....	Janitor.....	Justice.....	900 00.....	B.....	December 31, 1887

SEVENTH DISTRICT COURT, NEW YORK CITY.

Ambrose Monell.....	Justice.....	Elected.....	\$6,000 00.....	Exempt..	March 1887
Patrick McDavitt.....	Assistant clerk.....	Justice.....	3,000 00.....	C.....	January 1, 1882
George A. Moulter.....	Stenographer.....	Justice.....	2,000 00.....	C.....	February 1, 1886
Frederick Fischer.....	Interpreter.....	Justice.....	1,200 00.....	C.....	January 1882
Julius Johnson.....	Attendant.....	Justice.....	1,000 00.....	C.....	January 1882
Edward T. Foran.....	Attendant.....	Justice.....	1,000 00.....	C.....	January 1882
John McGuire.....	Janitor.....	Justice.....	900 00.....	B.....	January 1882

EIGHTH DISTRICT COURT, NEW YORK CITY.

John Jeroloman.....	Justice.....	Elected.....	\$6,000 00.....	Exempt..	January 1, 1888
C. G. Archibald.....	Clerk.....	Justice.....	3,000 00.....	A.....	January 1, 1876
Henry G. Leach.....	Assistant clerk.....	Justice.....	3,000 00.....	C.....	January 3, 1878
Charles A. Morrison.....	Stenographer.....	Justice.....	2,000 00.....	C.....	January 3, 1888
John Tournay.....	Attendant.....	Justice.....	1,000 00.....	C.....	March 1, 1888
William Hein.....	Attendant.....	Justice.....	1,000 00.....	C.....	March 7, 1888
John J. Wall.....	Attendant.....	Justice.....	1,000 00.....	C.....	February 1, 1888
Joseph C. Frederick.....	Janitor.....	Justice.....	900 00.....	B.....	June 1, 1888

NINTH DISTRICT COURT, NEW YORK CITY.

Joseph P. Fallon.....	Justice.....	Elected.....	\$6,000 00.....	Exempt..	January 1, 1888
William H. Liscomb.....	Clerk.....	Justice.....	3,000 00.....	A.....	January 1, 1886
John C. Munzinger.....	Assistant clerk.....	Justice.....	3,000 00.....	C.....	January 1, 1886
Frank A. Pollard.....	Stenographer.....	Justice.....	2,000 00.....	C.....	December 16, 1872
John Theiss.....	Interpreter.....	Justice.....	1,200 00.....	B.....	February 17, 1888

Charles L. Lambert.....	Attendant.....	Justice.....	1,000 00.....	O.....	February 1, 1886
James Farrell.....	Attendant.....	Justice.....	1,000 00.....	O.....	October 1, 1887
William H. Sharrott.....	Janitor.....	Justice.....	900 00.....	B.....	May 22, 1887

TENTH DISTRICT COURT, NEW YORK CITY.

A. J. Rogers.....	Justice.....	Elected.....	\$5,000 00.....	Exempt.....	January 1, 1886
Matthew P. Breen.....	Clerk.....	Justice.....	3,000 00.....	A.....	November 28, 1885
Richard Hamilton.....	Assistant clerk.....	Justice.....	3,000 00.....	O.....	November 19, 1885
Charles F. Tinkham.....	Stenographer.....	Justice.....	2,000 00.....	O.....	January 1, 1886
Francis A. Schilling.....	Interpreter.....	Justice.....	1,500 00.....	B.....	June 7, 1886
Henry H. A. Renner.....	Attendant.....	Justice.....	1,000 00.....	O.....	January 1, 1886
Patrick H. Clark.....	Janitor.....	Justice.....	900 00.....	B.....	January 1, 1886

ELEVENTH DISTRICT COURT, NEW YORK CITY.

Thomas Murray.....	Justice.....	Elected.....	\$5,000 00.....	Exempt.....	January 1, 1886
John E. Kelly.....	Clerk.....	Judge.....	2,000 00.....	A.....	January 1, 1885
Daniel F. McMahon.....	Assistant clerk.....	Judge.....	3,000 00.....	O.....	January 1, 1886
Henry G. Smith.....	Stenographer.....	Judge.....	2,000 00.....	O.....	January 1, 1885
Martin Senger.....	Interpreter.....	Judge.....	1,500 00.....	B.....	January 1, 1885
Patrick Sexton.....	Janitor.....	Judge.....	900 00.....	B.....	January 1, 1885
Cornelius Foley.....	Attendant.....	Judge.....	1,000 00.....	O.....	January 1, 1886
Patrick C. McCormack.....	Attendant.....	Judge.....	1,000 00.....	O.....	April 7, 1886

FIRST DISTRICT COURT, BROOKLYN, N. Y.

John Courtney.....	Justice.....	Elected.....	\$5,000 00.....	Exempt.....	January 1, 1886
Edward Moran.....	Chief clerk.....	Justice.....	1,800 00.....	A.....	December 27, 1885
Peter J. Doyle.....	Deputy clerk.....	Justice.....	1,600 00.....	O.....	December 27, 1886
Joseph N. B. Rawle.....	Stenographer.....	Justice.....	1,500 00.....	O.....	April 30, 1887

SECOND DISTRICT COURT, BROOKLYN, N. Y.

John Peterson.....	Justice.....	Elected.....	\$5,000 00.....	Exempt.....	May 1, 1886
Michael Shields.....	Justice.....	Justice.....	1,800 00.....	A.....	June 1, 1886
Jacob F. Becker.....	Justice.....	Justice.....	1,500 00.....	B.....	July 16, 1871
Alex. R. Black.....	Justice.....	Justice.....	600 00.....	O.....	March 1, 1882
Mary Bretnitz.....	Justice.....	Justice.....	300 00.....	D.....	May 1, 1883
Chas. F. Wolz.....	Assistant clerk.....	Justice.....	1,500 00.....	O.....	June 6, 1886

APPENDIX F — (Continued).

THIRD DISTRICT COURT, BROOKLYN, N. Y.

NAME.	Title of position.	Elected or appointed by	Salary.	Schedule.	Date of entrance into position.
Moses Eagle	Justice	Elected	\$5,000 00	Exempt ..	December 12, 1887 ..
James Dillon	Clerk	Judge	1,500 00	A	May 1, 1888 ..
Arthur J. Higgins	Deputy clerk	Judge	1,500 00	O	May 1, 1888 ..
Emil Klebaur	Interpreter	Judge	1,200 00	B	June 30, 1888 ..
Robert Snyder	Janitor	Judge	900 00	B	February 12, 1888 ..
Alexander Black	Stenographer	Judge	600 00	O .....	.....

BOARD OF POLICE JUSTICES, NEW YORK CITY.

Patrick G. Duffy	Police justice	Appointed	\$6,000 00	Exempt ..	January 19, 1883 ..
J. Henry Ford	Police justice	Appointed	8,000 00	Exempt ..	November 22, 1881 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	November 16, 1883 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	January 9, 1883 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	September 7, 1880 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	November 15, 1883 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	November 17, 1879 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	December 10, 1880 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	December 10, 1880 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	January 5, 1884 ..
.....	Police justice	Appointed	8,000 00	Exempt ..	November 22, 1881 ..
.....	Secretary	Board	1,000 00	A	January 1, 1877 ..
.....	Police clerk	Board	8,000 00	A	May 1, 1885 ..
.....	Police clerk	Board	8,000 00	A	November 11, 1873 ..
.....	Police clerk	Board	8,000 00	A	February 28, 1887 ..
.....	Police clerk	Board	8,000 00	A	January 1, 1882 ..
.....	Police clerk	Board	8,000 00	A	January 1, 1882 ..
.....	Police clerk	Board	8,000 00	A	November 11, 1881 ..
.....	Clerk's assistant	Board	2,000 00	O	June 14, 1885 ..
.....	Clerk's assistant	Board	2,000 00	O	June 14, 1885 ..
.....	Clerk's assistant	Board	2,000 00	O	January 29, 1883 ..
.....	Clerk's assistant	Board	2,000 00	O	February 1, 1883 ..
.....	Clerk's assistant	Board	2,000 00	O	January 29, 1883 ..
.....	Clerk's assistant	Board	2,000 00	O	November 10, 1877 ..
.....	Clerk's assistant	Board	2,000 00	O	March 31, 1884 ..
.....	Clerk's assistant	Board	2,000 00	O	October 4, 1880 ..
.....	Clerk's assistant	Board	2,000 00	O	January 1, 1883 ..
.....	Clerk's assistant	Board	2,000 00	O	November 11, 1873 ..
.....	Clerk's assistant	Board	2,000 00	O	November 11, 1873 ..
.....	Clerk's assistant	Board	2,000 00	O	December 4, 1873 ..
.....	Clerk's assistant	Board	2,000 00	O	November 10, 1877 ..

Frank Raymond	Board	.....	2,000 00	.....	March	1, 1899
James A. Lyon	Board	.....	2,000 00	.....	April	1, 1899
W. L. Ormsby, Jr.	Board	.....	2,000 00	.....	January	31, 1898
D. C. Soltman	Board	.....	2,000 00	.....	January	31, 1898
Michael J. Treacy	Board	.....	2,000 00	.....	January	31, 1898
John Frederick	Board	.....	1,200 00	.....	February	1, 1899
Francis P. Knapp	Board	.....	1,200 00	.....	November	26, 1897
Michael Trueser	Board	.....	1,200 00	.....	November	10, 1897
C. F. Winkelman	Board	.....	1,200 00	.....	May	26, 1898
August J. Lanke	Board	.....	1,200 00	.....	April	1, 1898
George H. Davis	Board	.....	2,000 00	.....	April	1, 1899

SUPREME COURT, NEW YORK CITY.

an	Clerk	.....	\$1,200 00	.....	January	1, 1899
.....	Attendant	.....	1,200 00	.....	July	1, 1899
.....	Attendant	.....	1,200 00	.....	February	1, 1899
.....	Attendant	.....	1,200 00	.....	February	28, 1874
.....	Attendant	.....	1,200 00	.....	February	28, 1874
.....	Attendant	.....	1,200 00	.....	February	28, 1874
.....	Attendant	.....	1,200 00	.....	February	28, 1874
.....	Attendant	.....	1,200 00	.....	May	1, 1874
.....	Attendant	.....	1,200 00	.....	February	28, 1874
.....	Attendant	.....	1,200 00	.....	January	3, 1876
.....	Attendant	.....	1,200 00	.....	July	1, 1899
.....	Attendant	.....	1,200 00	.....	January	16, 1876
.....	Attendant	.....	1,200 00	.....	February	19, 1898
.....	Attendant	.....	1,200 00	.....	October	1, 1898
.....	Attendant	.....	1,200 00	.....	February	28, 1874
.....	Attendant	.....	1,200 00	.....	April	1, 1898
.....	Attendant	.....	1,000 00	.....	March	1, 1896
.....	Attendant	.....	1,000 00	.....	February	1, 1899
.....	Attendant	.....	1,000 00	.....	February	2, 1898
.....	Attendant	.....	1,000 00	.....	August	1, 1894
.....	Attendant	.....	1,000 00	.....	June	10, 1894
.....	Attendant	.....	1,000 00	.....	August	1, 1895
.....	Attendant	.....	1,000 00	.....	June	10, 1894
.....	Attendant	.....	1,000 00	.....	June	6, 1894
.....	Attendant	.....	1,000 00	.....	June	11, 1894
.....	Attendant	.....	1,000 00	.....	June	10, 1894
.....	Attendant	.....	1,000 00	.....	April	1, 1893
.....	Attendant	.....	1,000 00	.....	February	13, 1897
.....	Attendant	.....	1,000 00	.....	January	1, 1897
.....	Attendant	.....	1,000 00	.....	February	4, 1898
.....	Attendant	.....	1,000 00	.....	November	1, 1897
.....	Attendant	.....	1,000 00	.....	January	1, 1898
.....	Attendant	.....	1,000 00	.....	June	1, 1898

APPENDIX F -- (Continued).
SUPERIOR COURT.

	Elected or appointed by		Schedule.	Date of entrance into position.
John Sedgwick.....	Chief judge.....	.....	Exempt..	January 1, 1872
John J. Freedman.....	Judge.....	.....	Exempt..	January 1, 1877
Charles H. Truax.....	Judge.....	.....	Exempt..	January 1, 1881
Richard O'Gorman.....	Judge.....	.....	Exempt..	January 1, 1883
George L. Ingraham.....	Judge.....	.....	Exempt..	January 1, 1883
P. Henry Duero.....	Judge.....	.....	Exempt..	January 1, 1887
Thomas Boese.....	Chief clerk.....	.....	A.....	January 4, 1879
William P. Miner.....	Deputy clerk.....	.....	O.....	September 1, 1887
J. H. H. Ward.....	Special deputy clerk.....	.....	O.....	May 1, 1877
William Haviland.....	Assistant clerk.....	.....	O.....	September 1, 1885
Owen E. Westlake.....	Assistant clerk.....	.....	O.....	January 1, 1882
George W. Russell.....	Assistant clerk.....	.....	O.....	January 1, 1873
E. C. Breckmann.....	Assistant clerk.....	.....	O.....	January 1, 1874
Edwin Coe.....	Assistant clerk.....	.....	O.....	January 1, 1874
J. Phelps Wingate.....	Assistant clerk.....	.....	O.....	January 1, 1877
Clifford Boese.....	Assistant clerk.....	.....	O.....	September 1, 1877
Henry Van Hoesen.....	Assistant clerk.....	.....	O.....	October 1, 1881
James Duffy.....	Assistant clerk.....	.....	O.....	November 1, 1885
John W. Gantzer, Jr.....	Assistant clerk.....	.....	O.....	March 15, 1879
Cornelius J. Kane.....	Assistant clerk.....	.....	O.....	September 1, 1887
Patrick H. Whalen.....	Assistant clerk.....	.....	O.....	October 1, 1887
Henry M. Parkhurst.....	Stenographer.....	.....	O.....	May 6, 1872
James E. Munson.....	Stenographer.....	.....	O.....	January 1, 1876
Edwin N. Robbins.....	Stenographer.....	.....	O.....	June 8, 1879
R. L. Dusenbury.....	Stenographer.....	.....	O.....	January 11, 1883
W. H. Berrigan.....	Clerk.....	.....	O.....	October 4, 1886
Henry C. Petty.....	Attendant.....	.....	O.....	January 11, 1872
Frederick Merz.....	Attendant.....	.....	O.....	December 16, 1876
Lewis W. Reis.....	Attendant.....	.....	O.....	January 27, 1877
Peter L. Schreiber.....	Attendant.....	.....	O.....	November 16, 1877
John Norton.....	Attendant.....	.....	O.....	February 15, 1881
James Cherry.....	Attendant.....	.....	O.....	January 1, 1883
Samuel Neilson.....	Attendant.....	.....	O.....	February 1, 1884
William H. Stout.....	Attendant.....	.....	O.....	December 1, 1884
Quincey W. Boese.....	Attendant.....	.....	O.....	March 1, 1885
Edward R. Watson.....	Attendant.....	.....	O.....	March 1, 1885
James J. Connor.....	Attendant.....	.....	O.....	March 1, 1885
Thomas Hunn.....	Attendant.....	.....	O.....	November 1, 1885
Nicholas J. Hayes.....	Attendant.....	.....	O.....	December 1, 1885
Frederick Kropp.....	Attendant.....	.....	O.....	September 1, 1886
Joseph O. Davis.....	Attendant.....	.....	O.....	January 19, 1887

Michael Sullivan.....	Attendant.....	Court.....	1,000 00.....	O.....	June.....	21, 1886
William R. Duton.....	Attendant.....	Court.....	1,000 00.....	O.....	November.....	1, 1887
W. L. Morehouse.....	Attendant.....	Court.....	1,000 00.....	O.....	November.....	1, 1887
John D. Newman, Jr.....	Attendant.....	Court.....	1,000 00.....	O.....	January.....	1, 1888
Albert Sanders.....	Attendant.....	Court.....	1,000 00.....	O.....	February.....	15, 1888

COURT OF SPECIAL SESSIONS.

George M. Wood.....	Clerk.....	Court.....	\$6,000 00.....	A.....	November.....	11, 1873
J. A. Monheimer.....	Deputy clerk.....	Clerk.....	5,000 00.....	O.....	November.....	10, 1879
David S. Veltech.....	Stenographer.....	Court.....	2,500 00.....	O.....	November.....	29, 1883
Gustav St. Alde.....	Interpreter.....	Court.....	2,000 00.....	B.....	January.....	29, 1885
Patrick McConnell.....	Subpoena clerk.....	Court.....	2,000 00.....	O.....	June.....	26, 1881
James Fitzpatrick.....	Subpoena clerk.....	Court.....	2,000 00.....	O.....	December.....	16, 1885
Henry I. Wright.....	Subpoena clerk.....	Court.....	2,000 00.....	O.....	January.....	
John J. McCauley.....	Messenger.....	Court.....	1,500 00.....	O.....		

COURT OF COMMON PLEAS, NEW YORK CITY.

Richard Larremore.....	Judge.....	Elected.....	\$15,000 00.....	Exempt.....	April.....	29, 1858
Joseph F. Daly.....	Judge.....	Elected.....	15,000 00.....	Exempt.....	December.....	4, 1882
George M. Van Hoesen.....	Judge.....	Elected.....	15,000 00.....	Exempt.....	January.....	2, 1871
Miles Beach.....	Judge.....	Elected.....	15,000 00.....	Exempt.....	January.....	1, 1864
Henry Wilder Allen.....	Judge.....	Elected.....	15,000 00.....	Exempt.....	April.....	1, 1868
Henry W. Bookstaver.....	Judge.....	Elected.....	15,000 00.....	Exempt.....	October.....	1, 1867
Nathaniel Jarvis, Jr.....	Clerk.....	Court.....	6,000 00.....	A.....	October.....	1, 1870
John B. Jarvis.....	Deputy clerk.....	Clerk.....	2,000 00.....	O.....	January.....	2, 1871
William S. Keiley.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	March.....	2, 1874
Isaiah Keyser.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	January.....	1, 1876
W. P. Richardson.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	June.....	29, 1878
Joseph B. Coe.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	January.....	1, 1883
James P. Rogers.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	May.....	1, 1888
Nathan S. Jarvis.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	March.....	9, 1887
Chas. F. Koehler.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	March.....	1, 1872
John H. Loos.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	March.....	15, 1880
Chas. O'Connell.....	Assistant clerk.....	Clerk.....	2,500 00.....	O.....	May.....	1, 1880
Dewitt C. Graham.....	Assistant clerk.....	Clerk.....	1,500 00.....	O.....	February.....	18, 1888
William L. Taylor.....	Assistant clerk.....	Clerk.....	1,500 00.....	O.....	April.....	29, 1872
J. A. Jameson, Jr.....	Assistant clerk.....	Clerk.....	1,500 00.....	O.....	April.....	29, 1872
Albert C. Cochrane.....	Stenographer.....	Court.....	2,500 00.....	O.....	October.....	1, 1870
Clifton Ball.....	Stenographer.....	Court.....	2,500 00.....	O.....	April.....	9, 1872
John Cotter.....	Stenographer.....	Court.....	2,500 00.....	O.....		
George Greene.....	Attendant.....	Court.....	1,200 00.....	O.....		
Thomas Sweeney.....	Attendant.....	Court.....	1,200 00.....	O.....		
John Martin.....	Attendant.....	Court.....	1,200 00.....	O.....		
William O'Neil.....	Attendant.....	Court.....	1,200 00.....	O.....		
John Schütz.....	Attendant.....	Court.....	1,200 00.....	O.....		
Michael Hall.....	Attendant.....	Court.....	1,200 00.....	O.....		

Henry O. Patterson	Attendant	Court	1,200 00	.....	.....	1879
John B. Phillips	Attendant	Court	1,200 00	.....	.....	1879
Thomas H. Riley	Attendant	Court	1,200 00	.....	.....	1879
D. B. Scofield	Attendant	Court	1,200 00	.....	.....	1879
Peter Seaman	Attendant	Court	1,200 00	.....	.....	1879
Isaac Smith	Attendant	Court	1,200 00	.....	.....	1876
James L. Waldron	Attendant	Court	1,200 00	.....	.....	1876
Moses Weil	Attendant	Court	1,200 00	.....	.....	1879
Sylvester Bennett	Attendant	Court	1,000 00	.....	.....	1880
John Birmingham	Attendant	Court	1,000 00	.....	.....	1879
Thomas Booth	Attendant	Court	1,000 00	.....	.....	1887
James H. Clark	Attendant	Court	1,000 00	.....	.....	1880
Richard Dougherty	Attendant	Court	1,000 00	.....	.....	1879
Patrick Daly	Attendant	Court	1,000 00	.....	.....	1886
Peter J. Dooling	Attendant	Court	1,000 00	.....	.....	1890
John J. Gillen	Attendant	Court	1,000 00	.....	.....	1887
David Helferty	Attendant	Court	1,000 00	.....	.....	1882
John Miller	Attendant	Court	1,000 00	.....	.....	1880
John M. Oakford	Attendant	Court	1,000 00	.....	.....	1882
Patrick J. O'Brien	Attendant	Court	1,000 00	.....	.....	1881
Patrick O'Brien	Attendant	Court	1,000 00	.....	.....	1887
Michael O'Beirne	Attendant	Court	1,000 00	.....	.....	1886
F. J. Valentine	Attendant	Court	1,000 00	.....	.....	15, 1888
Frederick Aldridge	Attendant	Court	1,000 00	.....	.....	15, 1888
Thomas Collyer	Attendant	Court	1,000 00	.....	.....	15, 1888
Martin McInerney	Attendant	Court	1,000 00	.....	.....	15, 1888
Henry Trott	Attendant	Court	1,000 00	.....	.....	15, 1888

51

CITY COURT, NEW YORK CITY.

David McAdam	Chief justice	Elected	\$10,000 00	.....	.....	January	24, 1888
Charles J. Nehrbas	Justice	Elected	10,000 00	.....	.....	October	17, 1888
Edward Brown	Justice	Elected	10,000 00	.....	.....	February	17, 1874
Simon M. Ehrlich	Justice	Elected	10,000 00	.....	.....	February	15, 1888
Henry P. McGown	Justice	Elected	10,000 00	.....	.....	March	6, 1888
William F. Pitsike	Justice	Elected	10,000 00	.....	.....	January	1, 1877
Michael Daly	Clerk	Court	8,000 00	.....	.....	January	3, 1878
John Reid	Deputy clerk	Clerk	2,000 00	.....	.....	January	6, 1882
Joseph Riley	Assistant clerk	Clerk	2,000 00	.....	.....	January	16, 1884
Henry P. McGown, Jr.	Deputy clerk	Clerk	2,000 00	.....	.....	February	1, 1886
Joseph A. Jacobs	Deputy clerk	Clerk	2,000 00	.....	.....	December	1, 1888
George Croker	Assistant clerk	Clerk	1,500 00	.....	.....	February	20, 1888
J. J. McCloskey	Assistant clerk	Clerk	1,500 00	.....	.....	February	20, 1888
Christian Schieck, Jr.	Assistant clerk	Clerk	1,500 00	.....	.....
Thomas Carroll	Assistant clerk	Clerk	1,500 00	.....	.....
Peter F. Murray	Assistant clerk	Clerk	1,500 00	.....	.....
William E. McDonald	Assistant clerk	Clerk	1,500 00	.....	.....
John Graham	Assistant clerk	Clerk	1,500 00	.....	.....
Simpson Hamburger	Assistant clerk	Clerk	1,500 00	.....	.....

APPENDIX F—CITY COURT—(Continued).

Elected or appointed by		Salary.	Schedule.	Date of entrance into position.
Assistant clerk.	Clerk	\$1,500 00	C	April 1, 1888
Edward G. Tully	Court	2,500 00		April 27, 1887
E. J. Warburton	Court	2,500 00		January 5, 1889
Farrell O'Dowd	Court	2,500 00		January 10, 1884
Charles L. Guy	Court	1,500 00	B	February 1, 1884
P. W. Hoffman	Court	1,200 00		July 1, 1876
James Kiernan	Court	1,000 00		February 16, 1881
Frederick Tourelle	Court	1,000 00		September 7, 1881
Jacob Conde	Court	1,000 00		January 16, 1884
Louis Schiamm	Court	1,000 00		June 1, 1884
James Cooper	Court	1,000 00		February 1, 1886
John Quigg	Court	1,000 00		February 1, 1886
Moses Levi	Court	1,000 00		February 6, 1888
Edward Brucks	Court	1,000 00		February 15, 1888
Charles W. Rand	Court	1,000 00		February 16, 1888
Frederick Strauss	Court	1,000 00		February 20, 1888
Frank P. Dunlop	Court	1,000 00		February 20, 1888
Patrick A. Gilroy	Court	1,000 00		February 20, 1888
John D. Wicking	Court	1,000 00		March 6, 1888
CITY COURT, BROOKLYN.				
Clerk	Judges	\$3,200 00	A	December 1, 1883
Charles W. Thomas	Clerk	2,500 00		December 1, 1883
Dennis McNamara	Clerk	1,800 00		May 8, 1877
W. K. Van Valkenburgh	Clerk	1,800 00		July 1, 1879
William H. Riley	Clerk	1,800 00		July 1, 1883
Charles H. Farrell	Clerk	1,800 00		November 18, 1883
Andrew Beck	Clerk	2,500 00		September 1, 1870
Timothy Bigelow	Clerk	2,500 00		January 1, 1871
John E. Norcross	Clerk	1,200 00	B	November 12, 1886
Bernhard Midas	Clerk	1,200 00		May 6, 1870
John Malley	Clerk	1,200 00		May 5, 1870
Nicholas Doyle	Clerk	1,200 00		January 17, 1871
Daniel S. Blake	Clerk	1,200 00		January 17, 1871
H. O. Croakright	Clerk	1,200 00		November 28, 1874
James McLaughlin	Clerk	1,200 00		December 6, 1883
Thomas Shevlin	Clerk	1,200 00		January 5, 1885
Patrick Nolan	Clerk	1,200 00		January 4, 1887
James Shannon	Clerk	1,200 00		January 16, 1887
James Donovan	Clerk	1,200 00		

APPENDIX G.

Civil Service Statutes, Amended Rules,
Regulations, Etc.

APPENDIX G.

CIVIL SERVICE STATUTES, AMENDED RULES, REGULATIONS, ETC.

ORGANIZATION OF THE NEW YORK CIVIL SERVICE COMMISSION.

Commissioners.— Daniel E. Sickles, New York; George H. Treadwell, Albany; James H. Manning, Albany.

Officers, etc.— President, Daniel E. Sickles; chief examiner, John B. Riley; secretary, Clarence B. Angle; clerk, John C. Birdseye.

General office in Capitol, Albany.

General Board of Examiners at Albany.— ——— chairman; Charles W. Cole, Willis E. Merriman, Richard G. Milks, P. H. McQuade.

THE CIVIL SERVICE STATUTES.

AN ACT to regulate and improve the civil service of the State of New York (chap. 354), passed May 4, 1883, as amended by chapter 357, passed May 24, 1884, and chapter 410, passed May 29, 1884.

SECTION 1. The Governor is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the New York Civil Service Commission. They shall hold no other official place under the State of New York. The Governor may remove any commissioner; and any vacancy in the position of commissioner shall be so filled by the Governor, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners. The three commissioners shall each receive a salary of \$2,000 a year. And each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

§ 2. It shall be the duty of said commission :

First. To aid the Governor, as he may request, in preparing suitable rules for carrying this act into effect; and when said rules shall have been promulgated, it shall be the duty of all officers of the State of New York, in the departments and offices to which any such rules

may relate, to aid, in all proper ways, in carrying said rules, and any modification thereof, into effect.

Second. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

1. For open competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character and, so far as may be, shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of that service into which they seek to be appointed.

2. All the offices, places and employments so arranged or to be arranged in classes shall be filled by selections from among those graded highest as the results of such competitive examinations.

3. There shall be a period of probation before any absolute appointment or employment aforesaid.

4. Promotions from the lower grades to the higher shall be on the basis of merit and competition.

5. No person in the public service is for that reason under any obligation to contribute to any political fund, or to render any political service, and no person shall be removed or otherwise prejudiced for refusing to do so.

6. No person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

7. There shall be non-competitive examinations when competition may not be found practical.

8. Notice shall be given in writing by the appointing power to said commission of the person selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations and removals, and of the date thereof, and a record of the same shall be kept by said commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

Third. Said commission shall, subject to the rules that may be made by the Governor, make regulations for, and have control of such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

Fourth. Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effect of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates, and those in the public service, in respect to the execution of this act; and, in the course of such investigations, each commissioner and their secretary shall have power to administer oaths.

Fifth. Said commission shall make an annual report to the Governor for transmission to the Legislature, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

* § 3. Said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards so far as practicable, whether at Albany or elsewhere, and to secure accuracy, uniformity and justice in all their proceedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of \$3,600 a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The commission is authorized to employ a secretary, who may be one of its own number, who shall receive a compensation of \$1,000 per annum, and who shall also be paid his necessary traveling expenses incurred in the discharge of his duty, and also a person to act as stenographer and copyist, who shall be entitled to receive a compensation of \$1,000 a year, or in its discretion, may from time to time employ stenographers and copyists at an expense not to exceed in the aggregate the sum of \$1,000 a year. The commission may appoint a messenger, to act also as clerk, at a salary not exceeding \$900 a year, and may dismiss him at pleasure. The commission may, at Albany, and in any other part of the State where examinations are to take place, designate and select a suitable number of persons in the official service of the State of New York, after consulting the head of the department or office in which such person serves, or, in its discretion, persons not in the official service, to be members of boards of examiners, and may at any time substitute any other person in or out of such service in place of any one so selected. Any person not at the time in the official service of the State, or of any political division thereof, serving as a member of the board of examiners, shall be entitled to compensation for every day

* As amended by section 1 of chapter 357, passed May 24, 1884.

actually and necessarily spent in the discharge of his duty as examiner at the rate of five dollars a day; but the aggregate compensation of any such examiner shall not exceed \$100 in any year. It shall be the duty of the officers of the State of New York, or of any political division thereof, at any place outside of the city of Albany where examinations are directed by said rules or by said board to be held to allow the reasonable use of the public buildings, and to light and heat the same for holding such examinations, and in all proper ways to facilitate the same.

* § 4. It shall be the duty of the trustees of public buildings, designated by chapter* 349 of the Laws of 1883, to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated and lighted, at the city of Albany, for carrying on the work of said commission and said examinations, and said commission may order the necessary stationery, postage stamps, an official seal and other articles to be supplied, and the necessary printing to be done for its official use. And the cost and expense thereof, and the several salaries, compensations and necessary expenses of the commission, upon the same being stated in detail and verified by affidavit, as the Comptroller may direct, shall be paid monthly from any money in the treasury not otherwise appropriated.

† § 5. Any commissioner, examiner, copyist, or messenger herein mentioned, or any other person who shall willfully and corruptly, by himself or in coöperation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination according to any rules or regulations prescribed pursuant to the provisions of this act, or who shall willfully, corruptly and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined pursuant to the provisions of this act, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same, or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, shall for each offense be deemed guilty of a misdemeanor.

§ 6. Within four months after the expiration of the present session of the Legislature, it shall be the duty of the Governor to cause to be arranged in classes the several clerks and persons employed or being

* As amended by section 2 of chapter 357, passed May 24, 1884.

† As amended by section 1 of chapter 410, passed May 29, 1884.

in the public service, for the purposes of the examination herein provided for, and he shall include in one or more of such classes, so far as practicable, all subordinate places, clerks and officers in the public service of the State.

§ 7. After the termination of eight months from the expiration of the present session of the Legislature, no officer or clerk shall be appointed, and no person shall be admitted to or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. No elective officer, and no person merely employed as a laborer or workman, shall be required to be classified hereunder; nor unless by the direction of the Senate, shall any person who has been nominated for confirmation by the Senate, be required to be classified or to pass an examination.

* § 8. The mayor of each city in this State is authorized and is hereby directed to prescribe such regulations for the admission of persons into the civil service of such city as may best promote the efficiency thereof and ascertain the fitness of candidates in respect to character, knowledge and ability for the branch of the service into which they seek to enter, and for this purpose he shall, from time to time, employ suitable persons to conduct such inquiries and make examinations, and shall prescribe their duties and establish regulations for the conduct of persons who may receive appointment in the said service. And the regulations so to be prescribed shall, among other things, provide and declare as in the second subdivision of the second section of this act is provided and declared in reference to regulations for admission to the civil service of the State. Within two months after the passage of this act, it shall be the duty of each of said mayors in and by such regulations to cause to be arranged in classes the several clerks and persons employed or being in the public service of the city of which he is mayor, and he shall include in one or more of such classes, so far as practicable for the purposes of the examination herein provided for, all subordinate clerks and officers in the public service of the said city to whom his power under this act extends. After the termination of three months from the passage of this act no officer or clerk shall be appointed, and no person shall be admitted to or be promoted in either of the said classes now existing or that may be arranged hereunder pursuant to said rules, until he has passed the examination, or is shown to be

* As amended by section 2 of chapter 410, passed May 29, 1884.

exempted from such examination, in conformity with such regulations. Such regulations hereinafter prescribed and established, and any subsequent modification thereof, shall take effect upon the approval of the New York Civil Service Commission. Officers elected by the people, and the subordinates of any such officer, for whose errors or violation of duty said officer is financially responsible, and the head or heads of any department of the city government, and persons employed in or who seek to enter the public service under the educational departments of any city, and any subordinate officer who, by virtue of his office, has personal custody of public moneys or public securities, for the safe-keeping of which the head of an office is under official bonds, shall not be subject to the regulations prescribed pursuant to this section, nor shall any regulations contravene an existing statute relating to entrance to said service. It shall be the duty of all those in the official service of any such city to conform to and comply with any regulations made pursuant to this act, and to aid and facilitate in all reasonable and proper ways the enforcement of all regulations and the holding of all examinations which may be required under the authority conferred by this section. But the authority by this section conferred shall not be so exercised as to take from any policeman or fireman any right or benefit conferred by law, or existing under any lawful regulation of the department in which he serves. And all examinations herein authorized shall be public, and all regulations shall be published, and, with all the proceedings and papers connected with said examinations, shall be at all times subject to the inspection of said commission and its agents; and said commission shall set forth in its reports the character and practical effects of such examinations, together with its views as to the improvement and extension of the same, and also copies of all regulations made under the authority hereby conferred.*

§ 9. No recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or Member of Assembly, or officer confirmed by the Senate, or judge of any court, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

(§ 10. Repealed by § 7 of chapter 357, passed May 24, 1884.)

†§ 11. No officer, agent, clerk or employé under the government of the State of New York or any political division thereof shall, directly

* See section 3 of chapter 410, passed May 29, 1884.

† As amended by section 3 of chapter 357, passed May 24, 1884.

or indirectly, use his authority or official influence to compel or induce any other officer, clerk, agent or employé under said government, or any political division thereof, to pay or promise to pay any political assessment. Every said officer, agent or clerk, who may have charge or control in any building, office or room occupied for any purpose of said government, or any said division thereof, is hereby authorized to prohibit the entry of any person, and he shall not consent that any person enter the same for the purpose of therein making, collecting, receiving or giving notice of any political assessment; and no person shall enter or remain in any said office, building or room, or send or direct any letter or other writing thereto, for the purpose of giving notice of, demanding or collecting, nor shall any person therein give notice of, demand, collect or receive any such assessment; and no person shall prepare or make out, or take any part in preparing or making out, any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected of any officer, agent or employé, subject to the provisions of this act, under the government of the State of New York, or that of any political division thereof, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment of any said officer, agent or employé.

* § 12. Any person who shall be guilty of violating any provision of the last section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

§ 13. No recommendation or question under the authority of this act shall relate to the political opinions or affiliations of any person whatever.

§ 14. Whoever while holding any public office, or in nomination for, or while seeking a nomination or appointment for any public office, shall corruptly use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office of public employment, or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last-named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt

* As amended by section 4 of chapter 357, passed May 24, 1884.

condition or consideration, shall be deemed guilty of bribery or an attempt at bribery. And whoever, being a public officer, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer, shall corruptly use or promise or threaten to use any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any citizen, or the removal, discharge or promotion of any officer or public employé, or upon any other corrupt consideration, shall also be guilty of bribery or of an attempt at bribery. And every person found guilty of such bribery or an attempt to commit the same, as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars nor more than three thousand dollars, or to be imprisoned not less than ten days nor more than two years, or to both said fine and said imprisonment in the discretion of the court. The phrase "public officer" shall be held to include all public officials in this State, whether paid directly or indirectly from the public treasury of the State, or from that of any political division thereof, or by fees or otherwise; and the phrase "public employé" shall be held to include every person not being an officer who is paid from any said treasury.

§ 15. A majority of the members of said board shall constitute a quorum, but a less number may adjourn from day to day. Said commission, when organized, shall immediately inquire into the methods of appointment, removal, terms of service, duties, compensation and numbers of all clerks, employés or subordinate officers of any nature whatsoever, either to this State or of cities or counties therein having a population exceeding fifty thousand inhabitants, who are not by existing laws appointed by the Governor of the State or by the mayor of any city, or elected by the people; and whenever the action of political parties or the public acts of official servants are in any wise affected, and if so to what degree, by the present methods of such appointments, tenure of office, removals and compensations, and whether the public interest would or would not be advanced by prescribing competitive tests of standards of appointment for any or all of such subordinate public servants, in addition to those who are hereinbefore included, and if so, the nature and extent of such tests or standards; and whether any abuses exist in connection with the existing practices touching said appointment, tenures, compensations or removals that require reform, or that may be abated by legislation or otherwise. Said commission may also further extend its inquiries so far as to enable it to report whether any and if so what

legislation is expedient, relative to the methods of compensation of all county officers and their subordinates in this State.

* § 16. Said commission shall have like power to secure by its subpoena, the attendance and testimony of witnesses, and the production of books and papers, pertinent to the investigations and inquiries hereby authorized, to that prescribed in and by chapter three hundred and fifty-three of the Laws of eighteen hundred and eighty-two, for the commission thereby constituted in the execution of its duties as in said act last mentioned; and witnesses and officers to subpoena and secure the attendance of witnesses before said commission shall be entitled to the same fees as are allowed witnesses in civil courts in courts of record. Such fees need not be prepaid, but the Comptroller shall draw his warrant for the payment of the amount thereof, when the same shall have been certified to by the president of the commission, and duly proved by affidavit or otherwise to the satisfaction of the said Comptroller; and all State, county, town, municipal and other officers and their deputies, clerks, subordinates and employes shall afford the said board all reasonable facilities in conducting the inquiries specified in this act, and give inspection to said board of all books, papers and documents belonging, or in anywise appertaining to their respective offices, and also shall produce said books and papers, and shall attend and testify when required to do so by said commission.

§ 17. Said commissioners hereinbefore named, or in case of vacancy from among their number by declination, resignation or otherwise, a successor commissioner, to be appointed by the Governor, shall qualify by filing with the Secretary of State an oath to perform faithfully the duties of such commissioner. Each commissioner shall receive the compensation hereinbefore provided, together with his actual traveling expenses in the discharge of his duties as such commissioner, the said salaries and expenses, together with the other necessary expenses of said board, to be approved by the Comptroller and thereafter paid out of the treasury of the State; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the purposes stated in this act.

* As amended by section 5, of chapter 357, passed May 24, 1884.

SUPPLEMENTARY PROVISIONS.

CHAPTER 357.

AN ACT to amend chapter three hundred and fifty-four of the Laws of eighteen hundred and eighty-three, entitled "An act to regulate and improve the civil service of the State of New York."

PASSED May 24, 1884 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. (Amends section three of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 2. (Amends section four of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 3. (Amends section eleven of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 4. (Amends section twelve of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 5. (Amends section sixteen of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 6. The sum of one thousand dollars is hereby appropriated out of any unexpended balance in the treasury, to meet any expense incurred by section five of this act; which expense the treasurer shall pay on the warrant of the Comptroller.

§ 7. Section ten of said act is hereby repealed.*

§ 8. The election officers now in office, and the inspectors of election and poll clerks shall be exempt from examination in accordance with the act hereby amended, or the amendments thereof, and it shall be the duty of the commissioners and mayors of cities so to provide in regulations made under said act.

§ 9. This act shall take effect immediately.

* Refers to section ten of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.

CHAPTER 410.

AN ACT to amend chapter three hundred and fifty-four of the Laws of eighteen hundred and eighty-three, entitled "An act to regulate and improve the civil service of the State of New York."

PASSED May 29, 1884; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. (Amends section eight of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 2. (Amends section eight of chapter three hundred and fifty-four, Laws of eighteen hundred and eighty-three.)

§ 3. Where, before the passage of this act, the mayor of any city herein mentioned has prescribed regulations pursuant to the power given him by the act hereby amended, such regulations shall be deemed to be established and prescribed and to be operative as if established, prescribed and approved under the provisions of the said act as hereby amended; and the examiners who, before the passage of this act, have, by the mayor of any such city, been appointed or designated under the provisions of the said act, shall be deemed to be appointed and to have all the powers and duties which they would have if appointed under the provisions of the said act as hereby amended.

§ 4. In grateful recognition of the services, sacrifices and sufferings of persons who served in the army or navy of the United States in the late war, and have been honorably discharged therefrom, they shall be preferred for appointment to positions in the civil service of the State and of the cities affected by this act, over other persons (of equal standing) as ascertained under this act, and the act hereby amended, and the person thus preferred shall not be disqualified from holding any position in said civil service on account of his age nor by reason of any physical disability, provided such disability does not render him incompetent to perform the duties of the position applied for.

CHAPTER 29.

AN ACT to amend chapter four hundred and ten of the Laws of one thousand eight hundred and eighty-four, entitled "An act to amend chapter three hundred and fifty-four of the Laws of one thousand eight hundred and eighty-three, entitled 'An act to regulate and improve the civil service of the State of New York.'"

PASSED March 1, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of chapter four hundred and ten of the Laws of eighteen hundred and eighty-four, entitled "An act to amend chapter three hundred and fifty-four of the Laws of eighteen hundred and eighty-three, entitled 'An act to regulate and improve the civil service of the State of New York,' " is hereby amended so as to read as follows:

§ 4. In grateful recognition of the services, sacrifices and sufferings of persons who served in the army or navy of the United States in the late war, and have been honorably discharged therefrom, they shall be certified as such by the commissioners, board or officers authorized to report names for appointment, to the appointing officer, or other appointing power, and shall be preferred for appointment to positions in the civil service of the State, and of the cities affected by this act and the several acts hereby amended, over all other persons, though graded lower than others so examined and reported, provided their qualifications and fitness shall have been ascertained as provided under this act, and the several acts hereby amended, and the person thus preferred shall not be disqualified from holding any position in said civil service on account of his age, nor by reason of any physical disability, provided such age or disability does not render him incompetent to perform the duties of the position applied for.

§ 2. Said chapter four hundred and ten of the Laws of eighteen hundred and eighty-four is hereby amended by adding thereto the following:

§ 5. Whenever it shall appear after a competitive examination for appointment to a position in the civil service of the State, or of the cities affected by this act, and the several acts hereby amended, that more than one such honorably discharged soldier or sailor is qualified to fill the same, the commissioners, board or officer authorized to report names for appointment shall certify to the

appointing officer, or the appointing power, all of such honorably discharged soldiers or sailors whose qualifications and fitness have been ascertained as aforesaid, specifying their respective grades in such examination; provided, however, that when more than three of such honorably discharged soldiers or sailors shall be so found duly qualified for appointment to such positions, there shall be certified for such appointment not more than two names in excess of the number of places to be filled, and in all such cases the appointment shall be made from among those, not exceeding three in number, being so certified, who are graded highest, as the result of such examination.

§ 3. This act shall take effect immediately.

CHAPTER 464.

AN ACT to amend chapter three hundred and twelve of the Laws of eighteen hundred and eighty-four, entitled "An act respecting the employment of honorably discharged Union soldiers and sailors in the public service of the State of New York."

PASSED May 25, 1887; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter three hundred and twelve of the Laws of eighteen hundred and eighty-four, entitled "An act respecting the employment of honorably discharged Union soldiers and sailors in the public service of the State of New York," is hereby amended so as to read as follows:

§ 1. In every public department and upon all public works of the State of New York, and of the cities, towns and villages thereof, and also in non-competitive examinations under the civil service laws, rules or regulations of the same wherever they apply, honorably discharged Union soldiers and sailors shall be preferred for appointment and employment; age, loss of limb or other physical impairment which does not, in fact, incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved.

§ 2. All officials or other persons having power of appointment to or employment in the public service as set forth in the first section of this act, are charged with a faithful compliance with its terms, both in letter and spirit, and a failure therein shall be a misdemeanor.

§ 3. This act shall take effect immediately.

CHAPTER 119.

AN ACT relating to employés of the various cities and counties of the State.

APPROVED by the Governor April 10, 1888. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person holding a position by appointment in any city or county of this State, receiving a salary from such city or county (unless he has been appointed for a definite term), who is an honorably discharged soldier, sailor or marine, having served as such in the Union army or navy during the war of the rebellion, shall be removed from such position except for cause shown after a hearing had; but this provision shall not be construed to apply to the position of private secretary or chief clerk or deputy of any official or department, or to any other person holding a confidential relation to the appointing officer.

§ 2. All laws or part of laws inconsistent with the provisions of this law are hereby repealed.

§ 3. This act shall take effect immediately.

RULES AS AMENDED.

STATE OF NEW YORK:

EXECUTIVE CHAMBER,
ALBANY, *June 30, 1884.* }

In the exercise of the authority conferred upon the Governor by chapter 354, Laws of 1883, entitled "An act to regulate and improve the civil service of the State of New York," and the acts amendatory thereof.

I, Grover Cleveland, Governor of the State of New York, do hereby promulgate the following rules for the regulation of the civil service of the said State, and all officers and persons in the civil service of the State and persons seeking to enter said service will govern themselves accordingly.

Done at the Capitol in the city of Albany, this the thirtieth day of June, in the year of our Lord one thousand eight hundred and eighty-four.

GROVER CLEVELAND.

Rule 1.

In these rules, and the regulations thereunder, the term "commission" indicates the Civil Service Commission of the State of New York, and the terms "class," "subdivision" and "grade" are those established by the classification of the civil service of the State, approved by the Governor September 3, 1883, and the positions now comprised in, or hereafter entered in, such classification shall, in the aggregate, be taken as the civil service of the State referred to herein, and the term "public service" shall be taken to comprehend all persons in the service of the State, without regard to such classification.

Rule 2.

No person in the public service is, for that reason, under any obligation to contribute to any political fund or purpose, or to render any political service, and no person shall be removed or otherwise prejudiced for refusing so to do.

Rule 3.

No person in the public service has the right to use his official authority or influence to coerce the political action of any person or body.

Rule 4.

For the purpose of indicating the manner in which selections shall be made for filling the positions in the civil service, when vacant, such positions shall be enrolled by class, subdivision, grade or name in some one of the five schedules, designated respectively as A, B, C, D and E, which schedules are hereunto annexed and form a part of these rules. The right is reserved to transfer, hereafter, any position from one schedule to another, as from time to time the conditions of good administration or the general interests of the public service may require, in which case prompt publication of any such transfer will be made to all concerned.

Rule 5.

Schedule A shall include the deputies of principal officers, duly authorized by law to act for their principals; all officers, clerks and others whose official relations are necessarily strictly confidential to the head of the office in which they serve; officers or others under official bonds as security for the collection, custody or disbursement of public moneys, or who, by virtue of their position, have the custody of public moneys, for the safe-keeping of which any officer must give bonds, and such other positions as may now or hereafter be included in this schedule, according to law, and such schedule shall comprise the following positions:

CLASS 1.

SUBDIVISION II.

In the office of the Secretary of State, the deputy secretary; in the office of the Comptroller, the deputy comptroller and confidential clerk; in the office of the Treasurer, the deputy treasurer, the chief clerk, the bookkeeper and the pay-clerk; in the office of the Attorney-General, the deputies and the confidential clerk; in the office of the State Engineer and Surveyor, the deputy; in the Department of Public Instruction, the deputy, the confidential clerk and stenographer, and the confidential inspector of school buildings; the deputy superintendent and special examiners of the Banking Department; in the Insurance Department, the deputy, the chief clerk, the actuary, the private secretary and the special examiner; the clerk of the Superintendent of Prisons; the clerk, deputy clerk and reporter of the Court of Appeals; the secretaries of the Railroad Commission, the Board of

Health, the Board of Charities, the Commissioners of Emigration, and the Civil Service Commission; the chief-examiner of the civil service; the treasurers of asylums; the game and fish protectors, and the superintendent of public buildings; principals, professors and teachers in normal schools; chief clerks of courts; counsel and cashier of excise board of New York; the chief clerk of the Bureau of Labor Statistics; State agent for discharged convicts; cashier and bookkeeper under superintendent of public buildings; the secretary of the board of police justices; the police clerk of each of the police courts, and the clerk of each of the district courts of New York.

Assistant to the Attorney-General in the city of New York; clerk and deputy clerk of the Board of Claims; the chief engineer and the assistant secretary under the Board of Electrical Control.

Rule 6.

The appointments to positions comprised in Schedule A may be made without examinations under these rules, but such examinations may be had upon the request of the appointing officer. Appointing officers must notify the commission, in writing, of all appointments to such positions within five days after the same are made.

Rule 7.

Schedule B shall include the following:

CLASS 1.

All clerks and other persons, of whatever designation, rendering services similar to those of clerks in any branch of the State service in the following grades:

SUBDIVISION I.

First Grade. Clerks and like employes receiving an annual compensation of less than one thousand dollars.

Second Grade. Clerks and like employes receiving an annual compensation of one thousand dollars or more, but less than one thousand two hundred dollars.

Third Grade. Clerks and like employes receiving an annual compensation of one thousand two hundred dollars or more, but less than one thousand five hundred dollars.

CLASS 2.

Civil engineers and surveyors; chemists; census enumerators.

Under the board of electrical control, the electrical expert; the inspectors of electrical conductors; the inspectors of underground construction.

CLASS 3.

SUBDIVISION II.

Superintendents and assistant superintendents in charge of public buildings under the general superintendent.

SUBDIVISION III.

Office messengers and orderlies in the courts, offices and public buildings. Interpreters in courts; janitors in courts.

SUBDIVISION IV.

All steam engineers.

CLASS 4.

SUBDIVISION III.

First Grade. Rodmen and levelmen.

Second Grade. Assistant engineers below the rank of resident.

CLASS 6.

In prisons and reformatories.

SUBDIVISION II.

Physicians.

SUBDIVISION IV.

Steam engineers.

SUBDIVISION V.

First Grade. Teachers in reformatories receiving an annual compensation of less than \$500.

CLASS 7.

In asylums, hospitals and similar institutions, and by the Commissioners of Emigration.

SUBDIVISION VII.

First Grade. Teachers receiving an annual compensation of less than \$500.

Rule 8.

Appointments shall be made or employment shall be given in the positions in Schedule B by selection from those persons graded highest, as the results of open competitive examinations, but appointments may also be made in the second grade of subdivision III, class VI, by promotion, as provided by Rules 30 and 31; but no person shall be eligible for appointment to a position in said grade of said subdivision and class, except by promotion, who has not had at least one year's successful experience in governing or controlling men.

Rule 9.

The competitive examinations shall be practical in their character, and with paramount regard to those matters which will fairly test the relative capacity and fitness of the persons examined for the service which they seek to enter. The examinations shall be held at such times and places as the commission may designate, and ten days previous notice of such examination will be mailed to all eligible applicants of record. Special regulations in which the particular conditions (if any) of the examination will be specified, will be issued, when deemed expedient by the commission, prior to the examinations.

Rule 10.

All regular applications for admission to such competitive examinations will be on blanks in a form prescribed by the commission, and the applicant must state therein on oath, and in his own handwriting: 1. His full name, residence and post-office address. 2. His term of residence in this State. 3. His citizenship. 4. His date of birth. 5. His place of birth. 6. His previous employment in the public service, if any. 7. His business or employment for the last preceding five years. 8. His education. 9. If in the military or naval service of the United States in the late war, give name of organization or vessel to which attached, date of enlistment or commission, position or rank, date and cause of discharge from the service, and any physical disability incurred in such service. 10. Such other information must be furnished as the commission may reasonably require, touching the applicant's fitness for the public service.

The application must be accompanied (1) by a certificate of a practicing physician in good repute, that he has examined the applicant and found him free from any physical defect or disease that would be likely to interfere with the proper discharge of his duties in the position of the civil service sought by such applicant; and (2) by the certificate of not less than three nor more than five reputable citizens of this State that they have been personally acquainted with the applicant for at least one year, and believe him to be of good moral character, of temperate and industrious habits, and in all respects fit for the service which he wishes to enter, and that they are willing that such certificate shall be published for public information. The applicant must also state in his application the grade or subdivision in the schedule he seeks to enter, and whether he limits such application to any particular department, office or institution.

Rule 11.

Defective applications will be suspended and applicants notified to amend the same, but no such notice shall be given or opportunity granted a second time. Whenever the application shows that the applicant is not within the prescribed limits of age, or otherwise not qualified under the rules and regulations, or is manifestly unfit for the service, the application will be rejected.

Rule 12.

The date of the reception of all applications shall be indorsed thereon, and entered of record by the commission, and if the applicants for admission to any grade or subdivision are in excess of a number that can be examined at a single examination, they will be notified to appear in their order on the respective records, provided that persons who have been honorably discharged from the military or naval service of the United States in the late war shall have precedence in such notification.

Rule 13.

For the purpose of making examinations of applicants from time to time, as may be required, the commission will designate and select, at Albany and other places, a suitable number of persons to be members of boards of examiners, and will duly commission such persons as examiners; and the commission may at any time substitute any other person in place of any one so selected. When persons selected as examiners are in the official service of the State, the head of the department or office in which such persons serve shall be consulted; and in the discharge of their duties as examiners the persons so selected from the official service will be responsible solely to the commission, and will act under its regulations and direction.

Rule 14.

Under the direction of the commission the chief examiner will prepare a list of subjects of examination for the several grades and subdivisions in this schedule upon which each applicant must be examined. To such list of obligatory subjects there may be added certain other subjects in which the applicant may be examined or not, at his option. The general standing of each applicant shall depend solely upon his relative proficiency in the obligatory subjects. For the purpose of determining the general average standing, certain relative weights will be given to the obligatory subjects, which weights shall be adjusted to the relative importance of the subject.

Rule 15.

No person whose standing on any obligatory subject is less than fifty, or whose ascertained average standing on all the obligatory subjects is less than seventy, will be entered upon the eligible list.

Rule 16.

The names of the persons who have passed above the minimum, as set forth in the previous rule, will be entered upon a register in the order of their excellence, and opposite each name will be entered the standing of such person in each optional subject in which he may have been examined.

Rule 17.

1. Whenever an officer having the power of appointment to or employment in any grade or subdivision in this schedule shall so request, the commission shall certify to him the names of three eligible persons who are graded highest on the proper register, indicating such of them (if any) as have been honorably discharged from the military or naval service of the United States in the late war.

2. From the three persons whose names are so certified the officer shall make a selection to fill the vacant place, subject, however, to the provisions of Rule 44, giving preference in appointments to certain persons.

3. Whenever such request shall indicate that proficiency in any of the specified optional subjects is of prime importance in the position to be filled, the commission may certify the names of the three persons in the eligible list having the highest standing (not being below the minimum of seventy) on such optional subject. The commission shall have power to order a new or special examination whenever there are no persons on the eligible list, sufficiently qualified in such optional subjects, or whenever an appointing officer shall apprise the commission that any special qualifications are required for the position vacant. All positions filled by selections based on optional or special subjects will be especially noted in the published gazette of appointments, and in the official register of qualifications and schemes for examination as being special positions in respect to such qualifications.

4. In the selection from the persons whose names are certified as above by the commission, the appointing or employing officer, upon his written requisition therefor, will be furnished with the application and examination papers of all the persons so certified, and in the exercise of his responsible power of selection he may summon personally before him the certified persons for such verbal inquiries

as he may deem proper. All papers furnished upon requisition as above must be returned to the commission with the notice of selection.

Rule 18.

Whenever physical qualifications are of prime importance in the proper discharge of duties in any position, applicants must pass a physical examination and be certified as qualified in such respect before record on the proper eligible list for selection for such position, or before certification by the commission as qualified for such selection.

Rule 19.

1. No person on any register shall be certified more than three times to the same officer, except on request of such officer; nor shall any one remain eligible more than one year on any register.

2. Upon satisfactory evidence produced to the commission that any person whose name is on any eligible list is, by reason of his character, habits or past reputation, unfit for admission to the civil service, the name of such person shall be formally stricken from such eligible list.

3. No person who has entered upon any examination for a position in Schedules B or C shall be admitted, within one year from the date thereof, to a new examination for the same grade or subdivision.

Rule 20.

Schedule C shall include the following positions:

CLASS 1.

Clerks in State prisons.

CLASS 2.

All persons of special qualifications (except those employed in the salt works, prisons, reformatories, asylums or other charitable and corrective institutions), including directors or curators of museums; geologists, botanists and entomologists and their respective assistants; librarians and their assistants; sanitary experts; inspector of quarantine hospitals; medical superintendent of immigrants; health officers; the clerk in the department of the general inspector of rifle practice; corporation tax clerk; assistant corporation tax clerk in the office of the Comptroller; the chief clerk; the confidential clerk; the corporation examiner; the cashier and book-keeper, and the messenger in office of the Secretary of State; the musical director in the Asylum for the Blind, at Batavia; messenger in the office of the Superintendent of State Prisons; stenographer of the Board of Claims; the chief clerk of the

bureau of canal affairs ; chief tax clerk ; land (or first assistant) tax clerk ; tax correspondent, and special accountant in the office of the Comptroller ; three application clerks under the board of excise of the city of New York ; the assistant corporation examiner in the office of the Secretary of State ; the private secretary to the Factory Inspector.

CLASS 3.

SUBDIVISION I.

Court criers and attendants; court and other marshals; stenographers of courts; excise inspectors; messenger in the office of the Board of Claims; messenger in the office of the comptroller; clerks, assistants, court attendants and stenographers of the police courts, and the assistant clerks, attendants, officers and court attendants and stenographers of the district courts; assistant clerks, subpoena clerks, stenographers and attendants of the Courts of General and Special Sessions.

CLASS 4.

SUBDIVISION I.

Superintendents of repairs.

Third Grade. Resident engineers.

Fourth Grade. Division engineers.

CLASS 5.

On the Onondaga salt works.

SUBDIVISION I.

First Grade. Engineers (except the chief engineer), overseers of pumps and supervisors of aqueducts and reservoirs.

Second Grade. Chief engineer.

SUBDIVISION II.

First Grade. Assistant inspectors of salt or of barrels.

CLASS 6.

In the prisons and reformatories.

SUBDIVISION I.

Wardens and agents of prisons; superintendents of reformatories.

SUBDIVISION II.

Principal matrons.

CLASS 7.

In asylums, hospitals and under the Commissioners of Emigration.

SUBDIVISION I.

Superintendents of insane asylums.

SUBDIVISION II.

Superintendents of asylums other than those for the insane.

SUBDIVISION III.

Assistant physicians and pathologists in insane asylums in the lowest grade in each asylum.

SUBDIVISION IV.

Physicians other than those in insane asylums.

SUBDIVISION V.

Stewards of asylums; matrons of asylums.

Rule 21.

The positions in Schedule C may be filled by the appointing officer in his discretion in respect to the manner of examination. The discretion of the officer in such cases shall be limited as follows: (1) he may select from the three persons graded highest as the result of an open competitive examination; or (2) he may name to the commission three or more persons for competitive examination, and appoint the one graded highest in such examination; or (3) he may appoint or employ any person named by him who upon a non-competitive examination shall be duly certified by the commission as qualified to discharge the duties of the position.

Rule 22.

Competitive examinations for positions in Schedule C will be subject to the same general provisions as prescribed in Rules 8 to 18, both inclusive. If the competition be an open one, the public notice thereof shall denote the special qualifications in which competitors shall be examined. Before admission to a limited competition, the nominees must file with the commission the certificates required by Rule 10.

Rule 23.

1. Upon the non-competitive examination into the qualifications of a person named to the commission for a position in this schedule, the commission will give a certificate to such person only when satisfied:

First. That he is within the limits of age prescribed for the position or employment to which he has been named.

Second. That he is properly certified as free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties:

Third. That his character is such as to qualify him for such position or employment; and

Fourth. That he possesses the requisite knowledge and ability to enter on the discharge of his official duties.

2. An officer naming to the commission a person for examination, will, at the same time, transmit his certificate that after due inquiry he is satisfied that the character and habits of the person named fit him for the civil service, and will append to the certificate such formal vouchers or credentials as to character as he may desire to have considered or put on file. In the determination of character or habits of the nominee, the certificate thereof by the nominating officer will be considered as essential.

Rule 24.

In determining the limits of age and the subjects and scope of the examination into the qualifications for each position as defined in the fourth clause of the preceding rule, the head of the department, office or institution where such position is to be filled, shall be consulted by the commission, or where the position is common to several offices or institutions, the several heads thereof shall be so consulted, and the regulations finally adopted for each position shall be published in the annual reports of the commission. Differences arising under this rule between the heads of departments, offices and institutions and the commission shall be reported to the Governor, whose decision in such case shall be final and conclusive.

Rule 25.

Whenever a vacancy in this schedule in any department, office or institution is to be filled, the officer having the authority to fill the same shall notify the commission which of the three methods in his discretion under Rule 21 he selects, and if the choice be by an open competition, the commission shall proceed as for an examination under Schedule B, but if the choice be by a limited competition or by the appointment of a person to be duly certified by the commission as qualified, the officer aforesaid shall name in such notification the person or persons to be examined, and the commission shall thereupon instruct the proper board of examiners, and shall notify the person or persons so named of the time, place and special regulations, for the examination; and the chief examiner shall supervise the preparation of proper questions and other inquiries to test the qualifications of such person or persons.

Rule 26.

The examiners for positions in Schedules C and D will be selected in the same manner and subject to the same rules and regulations as the examiners provided for in Rule 13.

Regular boards of examiners may be authorized to conduct examinations of persons duly cited to appear before them for positions in any schedule. Whenever the peculiar duties devolved upon any position or class of positions may so require, special examiners will be designated and commissioned. All examiners for the civil service will promptly report to the commission any violation of the provisions of the fifth section of the Civil Service Act.

Rule 27.

Schedule D shall include the following positions, viz.:

CLASS 2.

Sanitary inspectors appointed or employed under the General Health Act.

CLASS 3.**SUBDIVISION III.**

Keepers and janitors of public buildings, arsenals, bureaus, etc., watchmen, firemen, porters and portresses in public buildings at Albany.

SUBDIVISION IV.

All persons engaged in expert mechanical duties in public buildings or arsenals.

CLASS 5.**SUBDIVISION III.**

All persons employed in the Onondaga Salt Works, not otherwise classified.

CLASS 6.

In the prisons and reformatories.

SUBDIVISION IV.

All persons employed as expert mechanics in prisons and reformatories. *Prison Guards.*

SUBDIVISION VI.

All persons employed not otherwise classified and excepting laborers.

First Grade. Such persons receiving an annual compensation of less than \$500.

Second Grade. Such persons receiving an annual salary of \$500 or more.

CLASS 7.

In asylums and other similar institutions, and by the Commissioners of Emigration.

SUBDIVISION VII.

Engineers and expert mechanics and tradesmen.

SUBDIVISION VIII.

First Grade. Attendants, nurses and orderlies.

SUBDIVISION IX.

All other persons employed in asylums and by the Commissioners of Emigration not otherwise classified.

First Grade. All such persons receiving an annual compensation of less than \$500.

Second Grade. All such persons receiving an annual compensation of \$500 or more.

Rule 28.

The positions in Schedule D must be filled by such persons as upon proper non-competitive examination shall be certified as qualified to discharge the duties of such position by an examiner or examiners selected or appointed for that purpose by the commission. The head of any office, department or institution in which there may be a vacancy or vacancies in any position or positions in this schedule, may name for examination a person for each vacancy. The commission may provide by special regulation that in any institution where a number of persons are employed in the same grade, the employing officer may name for examination more than one person, in order that there may be a list of qualified persons from which to make an immediate selection in case of vacancy. Such nominations may be made to the commission, or to an examiner or board of examiners, as the commission may prescribe by regulations.

Rule 29.

Examinations for positions in Schedule D shall be in all the four classes of qualifications defined in Rule 23, and their scope and details shall be determined in the manner directed in Rule 24. The examiner or examiners will be instructed by the commission in general or special regulations as to the standard, scope and methods of examination, the methods of certification and the character of the records and reports to be made.

Rule 30.

Schedule E shall include the following positions:

CLASS 1.

SUBDIVISION I.

All clerks and other persons of whatever designation rendering services similar to those of clerks in any branch of the State service.

Fourth Grade. Clerks and like employés receiving an annual compensation of \$1,500 or more, but less than \$1,800.

Fifth Grade. Clerks and like employés receiving an annual compensation of \$1,800 or more, but less than \$2,000.

Sixth Grade. Clerks and like employés receiving an annual compensation of \$2,000 or more, but less than \$2,500.

Seventh Grade. Clerks and like employés receiving an annual compensation of \$2,500 or more.

CLASS 5.

Persons employed on the Onondaga Salt Works.

SUBDIVISION II.

Second Grade. Receivers and inspectors of salt or of barrels.

Third Grade. Chief inspector of salt and chief inspector of barrels.

CLASS 6.

Persons employed in prisons and reformatories.

SUBDIVISION III.

Second Grade. Keepers in prisons or reformatories receiving an annual compensation of \$900 or less.

Third Grade. Keepers of prisons or reformatories receiving an annual compensation greater than \$900 except the principal keepers.

Fourth Grade. Principal keepers.

SUBDIVISION V.

Second Grade. Teachers receiving an annual compensation of \$500 or more, but less than \$1,000.

Third Grade. Teachers receiving an annual compensation of \$1,000 or more.

CLASS 7.

Persons employed in asylums and other similar institutions, and by the Commissioners of Emigration.

SUBDIVISION III.

All assistant physicians and pathologists in insane asylums, except those in the lowest grade.

SUBDIVISION VII.

Second Grade. Teachers receiving an annual compensation of \$500 or more.

SUBDIVISION VIII.

Second Grade. Supervisors of asylums and wards.

Rule 31.

The positions in Schedule E shall be filled, when vacant, by the promotion of those in the service in the lower grades of the same subdivision in the department, office or institution in which the vacancy or vacancies may occur. Promotions shall be made subject to the provisions of these rules, by the officer or officers having the power of appointment. If, in the judgment of such officer or officers, there be none found in the lower grades fit to perform the duties in such vacant positions, in that case, and in no other, the positions may be filled in the same manner as is prescribed by these rules for filling the positions in the lowest grade of the same subdivision and class. Promotions shall be made by successive grades; in case of vacancy in any position in this schedule, it shall be filled by a selection from the next inferior grade, if there be any person in such grade fit for promotion; and if there be no such person, then the promotion shall be made by selection from the next inferior grade, and so on until all the inferior grades are exhausted, and no person therein found fit, when the position shall be filled by appointment as above provided.

Rule 32.

Promotion will, in all cases, be based upon the positive merit of the person promoted, and upon his superior qualifications, as shown by his previous service. There shall be kept in every department, office and institution, proper comparative records of the efficiency, punctuality, attention and general good conduct of all persons employed therein. No person in the service when these rules take effect can be promoted without passing an examination, under the rules, of the same character as would an applicant for appointment to a similar position in the service. Examinations for promotion shall be based upon the actual work of the persons named therefor, as exhibited in the records of the office where they have been employed,

and upon the certificate of their immediate official superiors, that their efficiency and conduct during their past service have been in all respects satisfactory and entitle them to favorable consideration.

Rule 33.

No recommendation of any person for promotion shall be entertained or received unless made in the regular course of duty by his immediate official superiors, and the presentation of any recommendation other than that of such superiors will be considered an unwarrantable interference with the public service, and the person so recommended may be required to show, before being certified for promotion, that such recommendation was not made by his request or connivance.

Rule 34.

No temporary appointment or employment shall be made of any one not eligible for permanent employment except as hereinbefore provided.

Every officer having the power of such appointment or employment, shall, previous to making the same, certify to the commission the duration and character of the service to be rendered and the rate of compensation to be paid therefor. When such duration or term of service is certified to be for a longer period than one month, the commission shall certify to the appointing officer the names of the three graded highest on the proper register, who, upon due inquiry, are found willing to accept such temporary appointment, and from the three so certified a selection shall be made for the temporary service required. When the duration of service is certified not to exceed one month, and the need of such service to be immediate and urgent, the appointing officer may select for such temporary service, any person on the proper register of those eligible for permanent appointment; except that in the prisons, reformatories and asylums, temporary substitutes may be appointed without examination, for not exceeding thirty days in cases of disability by sickness or otherwise; and except that temporary appointment of officers may be made, for not more than five days in any case, to transfer prisoners from one prison to another or as substitutes for regular officers who are necessarily absent engaged in this duty.

No person appointed under this rule, except those appointed as herein provided for the transfer of prisoners, shall be appointed temporarily a second time unless sixty days shall have elapsed since the termination of his previous term of temporary service, and every temporary appointment without examination must be reported to the commission within five days, with the reason for the same.

Rule 35.

No person shall be appointed to any position in the civil service unless he is a citizen of the State and has been a resident thereof for at least one year previous to the date of his application or nomination. But this restriction shall not apply to the following positions in Schedule D, to wit: The first grade of subdivision four of class four; subdivision three of class five; the first grade of subdivision six of class six, and the first grade of subdivision eight, and the first grade of subdivision nine of class seven. Any other exceptions from such restriction made by special regulation of the commission shall be reported by it to the Legislature with the reasons therefor.

The maximum age for clerical positions in Schedule B and prison guards and keepers in the State civil service classification, except honorably discharged soldiers and sailors, shall be fifty years at the time of application, and the minimum age for messengers, stenographers and type-writers shall be eighteen years.

Rule 36.

In the selection, nomination or appointment of persons to fill positions in Schedules B, C and D, or promotion of persons to positions in Schedule E, no regard shall be paid to the partisan political opinions, affiliations or action of any person selected, nominated, appointed or promoted.

Rule 37.

No transfer or promotion shall be made from a position in a subdivision in any schedule to a position in another subdivision in that schedule, or to one in any other schedule except by virtue of the examination and certification prescribed under these rules for admission to such last-named subdivision. Transfer without examination may be made from a position in one department, office or institution to a similar position in another department, office or institution upon the mutual consent of the heads of the respective departments, offices or institutions.

Rule 38.

Any application for a position in the civil service, made in contravention of the provisions of the ninth or thirteenth sections of the Civil Service Act must be rejected.

Rule 39.

No question in any examination or proceeding, by or under the commission or examiners, shall call for the expression or disclosure of any partisan political opinion or affiliation of any person, whatever, nor shall any discrimination be made by reason thereof; and

the commission and its examiners shall discountenance all disclosure before either of them, of such partisan opinion or affiliation or by or concerning any applicants for examination, or by or concerning any person on any register awaiting appointment or employment.

Rule 40.

Every original appointment or employment in the civil service shall be for a probationary term of three months, at the end of which time, if the conduct and capacity of the person appointed or employed shall have been found satisfactory, the probationer shall be absolutely appointed or employed, but otherwise his employment shall cease.

Every officer under whom any probationer shall serve during any part of such probation shall carefully observe the quality and value of the services rendered by such probationer, and shall report in writing to the proper appointing officer the facts observed by him, showing the character and qualifications of such probationer, and of the service performed by him; and such reports shall be preserved on file.

Rule 41.

Every false statement knowingly made by any person on his application for examination, and every connivance by him at any false statement made in any certificate which may accompany his application, or any willful complicity by him in any fraud to improve his standing upon examination, shall be regarded as good cause for removal or discharge of such person during his probation.

Rule 42.

If for any sufficient reason it shall be impracticable to supply the names of persons who have passed a competitive examination in due season for any appointment or employment in any position in Schedule B, a provisional appointment may be made of a person who has passed a non-competitive examination under the direction and regulation of the commission; but the next report shall give the reason for such resort to non-competitive examination.

Rule 43.

1. All persons having the power of appointment to or employment in any position in the civil service must give notice in writing to the commission of the name and place of residence of any person selected for appointment or employment in any position, of the rejection of any such person after probation, and of the transfers, promotions, resignations and removals, discharge or death of all persons serving under them, with the date thereof.

2. Any officer who appoints, employs or promotes a person to or in a position in the civil service, the compensation for which is paid from the State treasury, or the account for which is subject to audit by the Comptroller, shall officially notify the Comptroller of such appointment, employment or promotion before certifying or rendering any account for the services of such person. Where the payment for the services in any position in the civil service is not payable from the State treasury, nor subject to audit by the Comptroller, the notification as above of any appointment, employment or promotion to or in such position, shall be duly made to the fiscal officer empowered by law to pay the account for such services.

Rule 44.

Persons who have been honorably discharged from the army or navy of the United States in the late war, and whose qualifications and fitness have been ascertained under these rules, by competitive examination, shall be preferred for appointments to positions in the civil service of the State over all other persons, though graded lower than the others so examined, and the persons thus preferred shall not be disqualified from holding any position in the civil service on account of their age, nor by reason of any physical disability, provided such age or disability does not render them incompetent to perform the duties of the position applied for.

When not more than three honorably discharged soldiers or sailors, whose qualifications and fitness have been ascertained by competitive examination under the rules, shall be on the eligible list at the time a requisition shall be made for an appointment, the names of all such soldiers or sailors, with a specification of their respective grades in such examination, shall be certified to the appointing officer, but when more than three names of such honorably discharged soldiers or sailors shall be on the eligible list, there shall be certified for such appointment not more than two names in excess of the number of places to be filled, and in all such cases the appointment shall be made from among those, not exceeding three in number, thus certified, who are graded highest as the result of competitive examination. (Chapter 410, Laws of 1884, amended by chapter 29, Laws of 1886.)

Rule 45.

Subject only to the qualifications required to be ascertained in accordance with these rules, the power of appointment and the responsibility of selection are in all cases in the appointing officer. The power to remove (existing by law) on the part of any officer is not impaired by anything contained in these rules.

Rule 46.

The commission will cause to be published at such regular periods as it may deem proper, a gazette of all appointments, promotions, resignations, removals and other changes in the civil service, and in case of appointment, may publish the names of the persons certifying the good character of the appointee.

Rule 47.

The commission will make appropriate regulations for carrying these rules into effect, and may prescribe blank forms for all applications, certificates, records and returns required under the rules or regulations made in pursuance thereof.

STATE OF NEW YORK, }
OFFICE OF SECRETARY OF STATE. } ss. :

I have compared the preceding with the original rules for the civil service on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original rules.

Given under my hand and seal of office of the Secretary of State, at the city of Albany, this eighth day of July, in the year one thousand eight hundred and eighty-four.

JOSEPH B. CARR,
Secretary of State.

GENERAL REGULATIONS

OF THE

NEW YORK CIVIL SERVICE COMMISSION.

THE CHIEF EXAMINER.

1. The chief examiner shall, so far as practicable, attend the examinations held by the several boards of examiners for positions in Schedules B and C.

He shall take care to secure accuracy, uniformity and justice in the proceedings of all examiners and boards of examiners under the rules and regulations, and such proceedings and all papers appertaining thereto shall at all times be open to him. He shall also from time to time inspect the proceedings and papers connected with examinations for the civil service of cities held pursuant to the eighth section of the Civil Service Act, and shall make report of such inspections to the commission.

2. He shall prepare and submit to the commission proper schemes for examinations, and forms for blanks and records.

He shall take care that the rules and regulations are complied with, and shall bring any case of their infraction, or of injustice or irregularity observed by him to the attention of the commission. It shall be his duty, from time to time, to confer with the heads of departments, offices and institutions in the State service, concerning the regularity, efficiency and convenience of the examinations for the service under them. He shall perform such other appropriate duties as may be specified in these regulations, or otherwise assigned to him by the commission.

THE SECRETARY.

3. The secretary shall keep the minutes of the proceedings of the commission, and have charge of and be responsible for the safe-keeping of the books, records, papers and other property in its office. He shall make the proper certification of those eligible for appointment

or employment in positions in Schedules B and C. He shall generally conduct the correspondence of the commission and perform such other appropriate duties as it may assign to him.

THE STENOGRAPHER.

4. The stenographer shall perform such appropriate duties as may be assigned to him by the commission, or under its direction, by the chief examiner and secretary.

EXAMINERS.

5. Regular boards of examiners will consist of three members, one of whom shall act as secretary, and two of whom may conduct an examination in the necessary absence of the third. The secretary shall keep a complete record of the proceedings of the board and of all the examinations held by it in such form as the commission may prescribe.

6. The chief examiner shall, subject to the commission, issue authority for holding examinations for positions in Schedules B and C, and shall prepare questions and supervise other preliminary arrangements for such examinations.

7. The boards of examiners will conduct the examinations and estimate and mark the standing of the persons competing, or in a non-competitive examination shall estimate the qualifications of the person examined, and in both cases shall transmit all the papers with their report to the commission.

8. Whenever the special qualifications required for a position are of an expert or professional character, the commission will give to the examining board such advice and assistance from competent sources as may be expedient and available.

9. Boards of examiners for positions in Schedule D shall examine such persons as are named to them in writing by any officer authorized to employ persons in the positions in that schedule, and shall only certify such as satisfy the qualifications for such positions as prescribed by the rules and regulations. They shall report to the commission the names of persons examined by them with other pertinent information, on forms furnished for that purpose, keep on file the minutes of their proceedings, and shall transmit all the papers with their report to the commission. The minutes shall at all times be subject to the inspection of the commission and its agents.

10. Special boards will be selected and special regulations for examinations will be issued by the commission in such cases as it may deem expedient.

11. No examiner or person serving under the commission must attempt to influence the selection, nomination or appointment of any persons for the civil service.

12. Care must be taken by examiners to preserve order and decorum at examinations, and to prevent such visitors as they may admit, by conversation or otherwise, to obstruct or distract those being examined.

13. Examiners must not disclose for public information, unless by consent of those examined, more than the general results of examinations, without the details of answers given.

14. Any person after receiving official notification of his standing, as ascertained by a competitive examination, may in person, or by duly authorized agent, inspect in the presence of the chief examiner, or the secretary of the commission, his examination papers and the markings thereon.

15. Complaints which show any injustice or unfairness on the part of any examiner or examining board, or by any one acting under the commission, will be considered by the commission, which reserves the right to revise the marking and grading on the papers, or order a new examination, or otherwise act as substantial justice in the premises may require.

16. For the purpose of examinations, examiners are authorized by the last clause of the third section of the Civil Service Act to request the use of suitable rooms in public buildings and the lighting and the heating of the same. In all cases the requisition for such accommodations should be in writing, reciting the provision of law above referred to, and denoting the amount of room required, and should be addressed to the State, county, city, town or village officer having custody of the public building. School-rooms are generally best adapted for examinations.

17. Accounts for examiners (who are not otherwise in the civil service) for services and for reimbursement for necessary expenditures should be rendered in the forms prescribed and sent to the commission for approval before payment.

APPLICATIONS FOR POSITIONS.

18. Applications for admission to competitive examinations for positions in Schedule B, will be directed to the "Civil Service Commission, Albany, N. Y." Blank forms for such applications, and for the requisite certificates, will be furnished upon request, which should specify the position in the service sought by the applicant. All applications

for positions in Schedules A, C and D must be made to the head of the department, office or institution wherein the position is sought.

19. The commission can not advise persons as to ~~vacancies~~ in the service, nor furnish any information as to the duties, salaries, course of promotion, or other conditions of positions, except such as may be found in printed regulations. No advice can be given as to the course of preparation that applicants should follow, nor can specimens of the examination papers be furnished.

20. All application papers and accompanying certificates will remain on file in the office of the commission, and under no circumstances or conditions will the originals be returned to the applicants.

EXAMINATIONS.

1. *Competitive.*

21. Applicants will be admitted to examination upon the production of the official notification to appear for that purpose. Each applicant will receive a number, which will be indorsed upon his notification when produced, and the notifications so indorsed shall be sealed in an envelope; such applicant will sign his examination papers with his number, omitting his name, and the envelope shall not be opened until all the examination papers have been received and the markings and gradings made.

22. All examinations shall be in writing, except such as refer to physical qualities or expertness, excepting that to the written examination the examiner or examiners may add such an oral examination as may be necessary in certain cases to elicit the respective qualifications of the several applicants. When possible, a stenographic report of the examination must be made and filed with the papers.

23. The sheets of questions will be numbered, and will be given out in the order of their numbers, each after the first being given, only when the competitor has returned to the examiners the last sheet given to him. In general, no examination shall extend beyond five hours, without intermission; and no question given out at any session, to any candidate, can be allowed to be answered at another session. Each applicant must complete his examination on the obligatory subjects before taking up any of the optional subjects.

24. Each examiner will exercise all due diligence to secure fairness, and prevent all collusion and fraud in the examinations.

25. The time allowed for completing the examination will be announced before the first paper is given out. For the obligatory subjects the examination should be confined to a single day, but the examiners may extend such time in special cases of emergency.

Marking.

26. The examination papers shall be reviewed by each examiner separately, and, in any case of disagreement, the average of the markings made on any question or paper by all shall be the final marking on such question or paper, subject to the regulation as to revision.

27. The papers of all the competitors in each subject should be examined, compared and marked before the papers in another subject are taken up.

28. The marking of each question or subject shall be made on a scale of 100, which maximum shall represent accuracy of the highest possible attainment; and 0 shall represent absolute ignorance. Handwriting will be judged by its legibility, uniform and correct formation of letters and ease of execution. Upon a comparison of the handwriting of all the competitors, the best and worst should be first agreed upon, and the two extremes of the scale thus fixed, the others should be marked relatively to them. In writing from dictation or copying from manuscript, the omission, repetition or substitution of words, the erasures, blots and other evidences of carelessness, will, proportionately to their numbers, reduce the marking below 100. Spelling will be marked with reference to the ratio the misspelt words bear to the whole number of words dictated. Making abstracts or summaries of documents and letter writing will be marked as in handwriting, by agreeing upon the best and worst examples, and having marked them, then proportionately marking the others.

In each of the other subjects, each question shall be marked on the scale of 100, and the sum of such markings divided by the number of questions in that subject shall be the competitor's standing on such subject.

Grading.

29. The absolute or average general standing of each competitor will then be made up in form as follows, in accordance with the respective weight accorded to each subject by the regulations, thus:

EXAMINATION OF.....

SUBJECTS.	Weight given to subjects.	Standing on subjects.	Product of weight and standing.
1. Writing from dictation.....	2	80	160
2. Handwriting.....	3	75	225
3. Spelling.....	1	78	78
4. Arithmetic.....	2	92	184
5. Reporting in writing from memory.....	2	88	176
Total product.....	.....	.....	823
Divide by sum of weights, or General average standing.....	10	.....	82.3

OR, EXAMINATION OF.....

SUBJECTS.	Weight given to subjects.	Standing on subjects.	Product of weight and standing.
1. Writing from dictation.....	3	96	288
2. Copying from manuscript.....	2	97	194
3. Handwriting.....	4	86	340
4. Spelling.....	3	88	264
5. Arithmetic.....	4	93	372
6. Geography and history.....	1	80	80
7. Constitutional questions.....	1	63	63
8. Making a summary.....	2	72	144
Total products.....			1,745
Divide by sum of weights.....	20		
General average standing.....			87.25
OPTIONAL SUBJECTS.			
Bookkeeping.....			80
Stenography.....			92

It will be observed that the standing on each subject is multiplied by the weight given that subject and the product placed in the third column, and the sum of these products, divided by the sum of the weights, gives the general average standing.

If, in the marking, it is found that the standing of a competitor on any subject falls below fifty, the further marking of the papers of such competitor may be dropped (Rule 15), and such fact recorded on the face of the paper in red ink.

30. The grading of the several competitors being completed, their names will be enrolled in the order of their excellence, as determined by such examination, upon a register of eligible persons in form as prescribed by the commission.

31. Every paper in any examination, not formally certified by the examiners, will be signed with his initials in ink by each examiner who has reviewed and marked it.

32. Priority of date in examination will give no advantage in position on the eligible list. The names of the three persons highest in general average standing on the list for any grade will be certified for selection without regard to dates of examination, and subject only to the preferences of competitors on record for certain departments or offices, or to the certificate of the appointing officer, that an optional subject is of prime importance.

Non-competitive.

33. *Schedule C.* The boards of examiners before whom shall appear any person named for a position in Schedule C, subject to a non-competitive examination, will report to the commission the facts regarding such person furnished to or ascertained by them, upon the first three

points, as required by Rule 23. Upon the fourth point, as required in said rule, they will examine the person so appearing in the several subjects prescribed by regulations in accordance with Rule 24. Such examination will be in writing, and the standing on each subject will be marked in the manner herein directed for competitive examinations.

The grading of such person, together with the examination papers and the report on the other points of inquiry, shall be transmitted to the commission as soon after the examination as practicable.

34. *Schedule D.* The boards of examiners for positions in Schedule D shall take evidence of the qualifications of persons properly appearing before them, as the same are defined in Rule 29, and regulations pursuant thereto. So far as may be practicable, such examinations shall be in writing. If the board is satisfied that any person so appearing is duly qualified to discharge the duties of the position for which named, a certificate of qualification will be granted by the board in such form as the commission may prescribe. Officers having the authority to employ persons in the positions included in Schedule D may directly name persons to any such board for examination. Quarterly reports on the first days of January, April, July and October in every year will be made by such boards to the commission, giving names of all persons examined, the positions for which named, and whether or not certified as qualified. Intermediate reports of a similar nature will be made when specially required.

For Promotion.

35. Examiners will carefully inspect the work performed during the previous year by the persons named for promotion as regards its accuracy and neatness, and should personally question them concerning their office work and its purposes, in order to ascertain if they have a general and intelligent knowledge of the business in the department where they are employed. No part of the examination need be by written answers to written questions, but the examiners may require the persons examined to give a written description of the work done by them and its relation to the duties of others.

General.

36. As soon as practicable after an examination, the papers of the candidates will be marked, and their standing ascertained and communicated to them by the secretary of the commission by mail. Prior to that time no inquiries addressed either to the examiners or the commission will be answered. No letters explanatory of errors presumed to have been made in an examination will receive any attention.

37. The commission can not undertake to answer inquiries relating to cases which are not officially before it for decision, nor can it decide, except in cases of actual candidates on its registers, questions respecting the application of the rules and regulations.

38. Particular answers can not be given to inquiries which are answered expressly or by implication in published regulations and similar documents.

39. Applicants will not be eligible for examination for appointment as inspectors in the excise department who have been engaged in the saloon business or in the sale of liquor within two years.

40. The schemes of qualifications and subjects of examination of the same for positions in Schedules C and D will be published from time to time for general information.

In regard to many such positions, the nature and extent of such examinations will not be determined until after a vacancy in the position occurs.

No information can, therefore, be given in regard to such positions other than is published as above mentioned.

CLASSIFICATION OF THE CIVIL SERVICE.

[Approved by the Governor on September 3, 1883. Amended.]

The letters A, B, C, D and E, in brackets, indicate the schedule under the rules, in which the class, subdivision or grade is included.

CLASS I.

All assistants and deputies of executive and administrative officers and all clerks and other persons of whatever designation rendering services similar to those of clerks in any branch of the State service.

SUBDIVISION I.

First Grade [B]. Clerks and like employes receiving an annual compensation of less than \$1,000.

Second Grade [B]. Clerks and like employes receiving an annual compensation of \$1,000 or more, but less than \$1,200.

Third Grade [B]. Clerks and like employes receiving an annual compensation of \$1,200 or more, but less than \$1,500.

Fourth Grade [E]. Clerks and like employes receiving an annual compensation of \$1,500 or more, but less than \$1,800.

Fifth Grade [E]. Clerks and like employes receiving an annual compensation of \$1,800 or more, but less than \$2,000.

Sixth Grade [E]. Clerks and like employés receiving an annual compensation of \$2,000 or more, but less than \$2,500.

Seventh Grade [E]. Clerks and like employés receiving an annual compensation of \$2,500 or more.

[SUBDIVISION II. A.]

In the office of the Secretary of State, the deputy secretary; in the office of the Comptroller, the deputy comptroller and confidential clerk; in the office of the Treasurer, the deputy treasurer, the chief clerk, the book-keeper and the pay-clerk; in the office of the Attorney-General, the two deputies and the confidential clerk; in the office of the State Engineer and Surveyor, the deputy; in the Department of Public Instruction, the deputy, the confidential clerk and stenographer, and the confidential inspector of school buildings; the deputy superintendent and special examiners of the Banking Department; in the Insurance Department, the deputy, the chief clerk, the actuary, the private secretary and the special examiner; the clerk of the Superintendent of Prisons; the clerk, deputy clerk and the reporter of the Court of Appeals; the secretaries of the Railroad Commission, the Board of Health, the Board of Charities, the Commissioners of Emigration, and the Civil Service Commission; the chief examiner of the civil service; the treasurers of asylums; the game and fish protectors, and the Superintendent of Public Buildings; principals, professors and teachers in normal schools; chief clerks of courts; counsel and cashier of excise board of New York; the chief clerk of the Bureau of Labor Statistics; the secretary of the board of police justices; the police clerk of each of the police courts, and the clerk of each of the district courts of New York; assistant to the Attorney-General in the city of New York; clerk and deputy clerk of the Board of Claims; the chief engineer and the assistant secretary under the Board of Electrical Control.

CLASS 2. [B.]

Civil engineers and surveyors; chemists; census enumerators; under the Board of Electrical Control, the electrical expert, the inspectors of electrical conductors, the inspectors of underground construction.

CLASS 2. [C.]

All persons of special qualifications (except those employed in the salt works, prisons, reformatories, asylums and other charitable and corrective institutions), including directors or curators of museums; geologists, botanists and entomologists and their respective assistants; librarians and their assistants; sanitary experts; inspector of quaran-

tine hospitals; medical superintendent of emigrants; health officers; the clerk in the department of the general inspector of rifle practice; corporation tax clerk; assistant corporation tax clerk in the office of the Comptroller; the chief clerk; the confidential clerk, the corporation examiner, the cashier and book-keeper, and the messenger in office of the Secretary of State; the musical director in the Asylum for the Blind, at Batavia; messenger in the office of the Superintendent of State Prisons; stenographer of the Board of Claims; the chief clerk of the Bureau of Canal Affairs; chief tax clerk, land (or first assistant) tax clerk, tax correspondent and special accountant in the office of the Comptroller; three application clerks under the board of excise of the city of New York; the assistant corporation examiner in the office of the Secretary of State; the private secretary to the factory inspector.

CLASS 2. [D.]

Sanitary inspectors appointed or employed under the General Health Act.

CLASS 3.

All persons engaged in duties, other than those of clerks, in the courts and public offices and buildings at Albany and the State arsenals, except as laborers, and not included in the preceding classes.

SUBDIVISION I. [C.]

Court criers and attendants; court and other marshals; stenographers of courts; excise inspectors; messenger in the office of the Board of Claims; messenger in the office of the Comptroller; clerks, assistants, court attendants and stenographers of the police courts, and the assistant clerks, attendants, officers and court attendants, and stenographers of the district courts; assistant clerks, subpoena clerks, stenographers and attendants of the courts of General and Special Sessions.

SUBDIVISION II. [B.]

Superintendents and assistant superintendents in charge of public buildings under the general superintendent.

SUBDIVISION III. [B. and D.]

Interpreters in courts, keepers and janitors of public buildings, arsenals, bureaus, etc.; office messengers; orderlies in public buildings; watchmen; firemen; porters and portresses.

SUBDIVISION IV. [B. and D.]

Steam engineers and all other persons engaged in expert mechanical duties in public buildings or arsenals.

CLASS 4.

SUBDIVISION I. [C.]

Superintendent of repairs.

Third Grade. Resident engineers.

Fourth Grade. Division engineers.

SUBDIVISION III. [B.]

First Grade. Rodmen and levelers.

Second Grade. Assistant engineers below the rank of resident.

SUBDIVISION IV. [D.]

All others employed in said department not otherwise classified.

First Grade. All those receiving an annual compensation less than \$500.

Second Grade. All those receiving an annual compensation of \$500 or more.

CLASS 5.

All persons employed in the Onondaga Salt Works, except the deputy superintendent (Class 1).

SUBDIVISION I. [C.]

First Grade. Engineers, except the chief engineer, overseers of pumps and supervisors of aqueducts and reservoirs.

Second Grade. Chief engineer.

SUBDIVISION II.

First Grade [C]. Assistant inspectors of salt or of barrels.

Second Grade [E]. Receivers and inspectors of salt or of barrels.

Third Grade [E]. Chief inspector of salt and chief inspector of barrels.

SUBDIVISION III. [D.]

All others employed and not otherwise classified.

CLASS 6.

All persons employed in prisons and reformatories.

SUBDIVISION I. [C.]

Wardens and agents of prisons ; superintendents of reformatories.

SUBDIVISION II.

[C]. Principal matrons, clerks. [B]. Physicians.

SUBDIVISION III.

Second Grade [B. and E]. Keepers in prisons or reformatories receiving an annual compensation of \$900 or less.

Third Grade [B. and E]. Keepers of prisons or reformatories receiving an annual compensation greater than \$900, except the principal keepers.

Fourth Grade [E]. Principal keepers.

SUBDIVISION IV.

[B]. Steam engineers.

[D]. All persons employed as expert mechanics in prisons and reformatories.

SUBDIVISION V.

First Grade [B]. Teachers in reformatories receiving an annual compensation of less than \$500.

Second Grade [E]. Teachers receiving an annual compensation of \$500 or more, but less than \$1,000.

Third Grade [E]. Teachers receiving an annual compensation of \$1,000 or more.

SUBDIVISION VI. [D.]

All other persons employed in prisons and reformatories, except laborers.

First Grade. Such persons receiving an annual compensation of less than \$500.

Second Grade. Such persons receiving an annual compensation of \$500 or more.

CLASS 7.

All persons employed in asylums for the insane, idiots, the blind and deaf and dumb, and in similar institutions, and by the Commissioners of Emigration, except those included in Class 1 and laborers.

SUBDIVISION I. [C.]

Superintendents of insane asylums.

SUBDIVISION II. [C.]

Superintendents of asylums other than those for the insane.

SUBDIVISION III. [C.]

Assistant physicians and pathologists in insane asylums in the lowest grade in each asylum.

SUBDIVISION III. [E.]

All assistant physicians and pathologists in insane asylums except those in the lowest grade.

SUBDIVISION IV. [C.]

Physicians other than those in insane asylums.

SUBDIVISION V. [C.]

Stewards of asylums, matrons of asylums.

SUBDIVISION VI. [D.]

Engineers and expert mechanics and tradesmen.

SUBDIVISION VII.

First Grade [B]. Teachers receiving an annual compensation of less than \$500.

Second Grade [E]. Teachers receiving an annual compensation of \$500 or more.

SUBDIVISION VIII.

First Grade [D]. Attendants, nurses and orderlies.

Second Grade [E]. Supervisors of asylums and wards.

SUBDIVISION IX. [D.]

All other persons employed in asylums and by the Commissioners of Emigration.

First Grade. All such persons receiving an annual compensation of less than \$500.

Second Grade. All such persons receiving an annual compensation of \$500 or more.

In the above classification the inclusion of any specified official in any class, subdivision or grade shall not apply to any person acting as or termed as a deputy or assistant of such official, nor to any person acting for or as such official in case of absence, vacancy in office or otherwise.

The term "deputy" or "assistant" is not recognized in this classification, unless such designation is authorized by law.

Where any person receives a compensation rated not by the year, but by the day, week or month, the classification of such person, when dependent upon compensation, will be based upon his or her equivalent annual compensation.

The classes indicate the several grand divisions of the service. The subdivisions are intended to mark the distinct kinds of qualification necessary in each class, and the grades in the subdivisions are designed as steps for advancement by formal promotion.

The omission in the above classification of any official designation or appellation of a position in the service will not exclude such position from the classification, as it will be comprised in the class to which it belongs by the general specification of such class.

CLASSIFICATION OF THE CIVIL SERVICE.

POSITIONS NOT CLASSIFIED.

All persons appointed by the Governor or elected by the people, and the subordinates of any such officer for whose errors or violation of duty said officer is financially responsible, and any subordinate officer who, by virtue of his office, has personal custody of public moneys or public securities for the safe keeping of which the head of the office is under official bonds.

POSITIONS IN SCHEDULE A.

Rule 6.

The appointments to positions comprised in Schedule A may be made without examinations under these rules, but such examinations may be had upon the request of the appointing officer. Appointing officers must notify the commission, in writing, of all appointments to such positions within five days after the same are made.

In the office of the Secretary of State :

The deputy.

In the office of the Comptroller:

The deputy.

One confidential clerk.

In the office of the Treasurer:

The deputy.

The cashier.

The book-keeper.

In the office of the Attorney-General:

Three deputies.

One confidential clerk.

One assistant to the Attorney-General.

In the office of the State Engineer and Surveyor:

The deputy.

The division engineers.

The resident engineers.

In the office of the Superintendent of State Prisons:

One clerk.

In the office of the Superintendent of the Banking Department:

The deputy.

The special examiners.

In the office of the Superintendent of the Insurance Department:

The deputy.

The chief clerk.

The actuary.

The private secretary.

Two special examiners.

In the office of the Superintendent of Public Instruction:

The deputy.

One confidential clerk and stenographer.

One confidential inspector of school buildings.

In the office of the Railroad Commission:

The secretary.

In the office of the Board of Claims:

The clerk.

The deputy clerk.

In the office of the State Board of Health:

The secretary.

In the office of the Civil Service Commission:

The chief examiner.

The secretary.

In the office of the Commissioner of the Bureau of Statistics of Labor:

The chief clerk.

Six special agents.

In the office of the Forest Commission:

The secretary.

In the office of the Dairy Commissioner:

Six assistant commissioners.

In the office of the State Board of Charities:

The secretary.

In the office of the Commissioners of the State Reservation at Niagara:

The secretary.

In the office of the Adjutant-General:

The assistant adjutant-general.

In the office of the Inspector-General:

The assistant inspector-general.

The chief clerk.

In the office of the Regents of the University:

The secretary.

In the office of the Superintendent of the Onondaga Salt Springs:

The deputy.

In the office of the Factory Inspector:

One assistant inspector.

Eight deputy inspectors.

In the office of the Superintendent of Public Buildings:

The deputy.

The clerk.

In the office of the Commission of Mediation and Arbitration:

The secretary.

In the prisons and reformatories:

The chaplains.

In the asylums:

The treasurers.

The chaplains.

In the normal schools:

The principals.

The professors.

The teachers.

In the Soldiers' and Sailors' Home:

The superintendent.

In the New York board of excise:

The secretary.

The assistant secretary.

The cashier.

The assistant cashier.

In the office of the Commissioners of Emigration:

The secretary.

In the office of the Health Officer of the Port of New York:

Three deputy health officers.

In the office of the Quarantine Commission:

The secretary.

In the office of the Board of Electrical Control:

The secretary.

The assistant secretary.

The engineer.

In the Courts:

The clerk of each court.

The police clerk of police courts, New York city.

The secretary of the board of police justices, New York city.

The assistant clerk of each district court, New York city.

In the office of the clerk of the Court of Appeals:

The clerk.

The deputy clerk.

The reporter.

SCHEDULE B

Shall include the following:

CLASS I.

All clerks and other persons of whatever designation, rendering services similar to those of clerks in any branch of the State service in the following grades:

SUBDIVISION 1.

First Grade. Clerks and like employés receiving an annual compensation of less than \$1,000.

Second Grade. Clerks and like employés receiving an annual compensation of \$1,000 or more, but less than \$1,200.

Third Grade. Clerks and like employés receiving an annual compensation of \$1,200 or more, but less than \$1,500.

Rule 8.

Appointments shall be made or employment shall be given in the positions in Schedule B by selection from those persons graded highest, as the results of open competitive examinations. * * *

POSITIONS IN SCHEDULE B.

Clerks.

Book-keepers.

Stenographers.

Typewriters.

Messengers.

Correspondents.

Civil engineers.

Levelers.

Draughtsmen.

Rodmen.

Accountants.

Teachers.

Collectors.

Telegraph operators.

Reformatory guards.

Interpreters.

Janitors.

All other persons not otherwise classified.

POSITIONS IN SCHEDULE C.

Rule 21.

The positions in Schedule C may be filled by the appointing officer in his discretion in respect to the manner of examination. The discretion of the officer in such cases shall be limited as follows: (1) He may select from the three persons graded highest as the result of an open competitive examination; or (2) he may name to the commission three or more persons for competitive examination, and appoint the one graded highest in such examination; or (3) he may appoint or employ any person named by him who upon non-competitive examination shall be duly certified by the commission as qualified to discharge the duties of the position.

SCHEDULE C

Shall include the following:

All persons of special qualifications (except those employed in the salt works, prisons, reformatories, asylums and other charitable and corrective institutions), including directors or curators of museums; geologists, botanists and entomologists and their respective assistants; librarians and their assistants; sanitary experts; inspectors of quarantine hospitals; medical superintendent of emigrants; health officers, etc.

In the office of the Secretary of State:

The chief clerk.

The examiner of corporations.

The assistant examiner of corporations.

One confidential and index clerk.

One confidential clerk and stenographer.

One book and pardon clerk and bookkeeper.

One messenger.

In the office of the Comptroller:

Chief tax clerk.
First assistant tax clerk.
One corporation tax clerk.
One assistant corporation tax clerk.
Chief clerk canal bureau.
The special accountant.
The tax correspondent.
One messenger.

In the office of the Treasurer:

One check clerk.
One corporation clerk.

In the office of the Attorney-General:

One assistant to second deputy.
One brief clerk.
One clerk, land department.

In the office of the Superintendent of Prisons:

One messenger.

In the office of the Superintendent of Public Instruction:

One law clerk.

In the office of the Railroad Commission:

One inspector.
One bridge examiner.
One accident clerk.
One expert proof-reader.

In the office of the Board of Claims:

One messenger.
One stenographer.

In the office of the State Board of Health:

Two sanitary experts.

In the office of the Commissioner of the Bureau of Statistics of Labor:

One stenographer.

In the office of the Dairy Commissioner:

Two chemists.
Experts and agents.

In the Department of Rifle Practice:

One clerk.

In the office of the Regents of the University:

One inspector of teachers' classes.
Two librarians.
Four assistant librarians.
One state geologist and director of museum.
One state entomologist.
One state botanist.
One assistant in charge of State museum.
One custodian of zoölogical collections.
One assistant in palæontology.
One draughtsman and assistant in palæontology.

At the Onondaga salt works:

One chief engineer.
One chief inspector.
One chief barrel inspector.
Three salt inspectors.
Sixteen assistant salt inspectors.
Five assistant barrel inspectors.
Three overseers of pumps.
Three supervisors of aqueducts.
Three receivers.
Two inspectors.
Twelve engineers.

In the office of the Factory Inspector:

The private secretary.

In Sing Sing Prison:

The agent and warden.
One clerk.
One assistant clerk.
One stenographer.
One physician.

In Auburn Prison:

The agent and warden.
One clerk.
One assistant clerk.
One physician.

In Clinton Prison:

The agent and warden.
One clerk.
One assistant clerk.
One physician.

In the State Industrial School, Rochester:

The superintendent.

One steward.

One physician.

In the Elmira Reformatory:

The superintendent.

Instructors.

One physician.

In Willard Asylum:

The superintendent.

Seven assistant physicians.

One steward.

One matron.

One apothecary.

In Utica Asylum:

The superintendent.

Four assistant physicians.

One pathologist.

One matron.

One steward.

One medical assistant.

One medical and clinical clerk.

One apothecary.

In the Homeopathic Asylum, Middletown:

The superintendent.

Two assistant physicians.

One steward.

One assistant steward.

One druggist.

In Binghamton Asylum:

The superintendent.

Three assistant physicians.

One steward.

One matron.

In Buffalo Asylum:

The superintendent.

Two assistant physicians.

One steward.

One medical cadet.

One apothecary.

One matron.

In the Hudson River State Hospital, Poughkeepsie:

The superintendent.

Three assistant physicians.

One steward.

One matron.

One apothecary.

In the House of Refuge for Women, Hudson:

The superintendent.

One steward.

Three matrons.

Five assistant matrons.

In the Asylum for Insane Criminals, Auburn:

The superintendent.

One assistant physician.

One apothecary.

One steward and book-keeper.

In the Asylum for Idiots, Syracuse:

The superintendent.

One medical assistant.

One steward.

One matron.

Three assistant matrons.

In the Custodial Asylum for Women, Newark:

The superintendent.

One matron.

One assistant matron.

In the Asylum for the Blind, Batavia:

The superintendent.

One physician.

One matron.

Two assistant matrons.

In the New York Institution for the Blind:

The superintendent.

One physician.

One steward.

One matron.

One assistant matron.

In the Soldiers' and Sailors' Home, Bath:

One surgeon.

One steward.

One assistant surgeon.

In the excise department, New York city:

One law clerk.

Three application clerks.

Inspectors.

In the office of the Commissioners of Emigration:

One resident physician.

One assistant matron.

In the Emigrants' Hospital, Ward's Island:

One physician-in-chief.

Three physicians.

One apothecary.

In the office of the Quarantine Commission:

Three superintendents.

In the Courts:

Criers and attendants.

Stenographers.

Marshals.

Assistant police court clerks.

Subpoena clerks in the Courts of General and Special Sessions.

POSITIONS IN SCHEDULE D.

Rule 28.

The positions in Schedule D must be filled by such persons as upon proper non-competitive examination shall be certified as qualified to discharge the duties of such position by an examiner or examiners selected or appointed for that purpose by the commission. The head of any office, department or institution, in which there may be a vacancy or vacancies in any position or positions in this schedule, may name for examination a person for each vacancy. The commission may provide by special regulation, that in any institution where a number of persons are employed in the same grade, the employing officer may name for examination more than one person, in order that there may be a list of qualified persons from which to make an immediate selection in case of vacancy. Such nominations may be made to the commission, or to any examiner or board of examiners as the commission may prescribe by regulations.

SCHEDULE D

Shall include the following :

Sanitary inspectors employed under the General Health Act.

Keepers and janitors of public buildings, arsenals, bureaus, etc.

Watchmen, firemen, porters, and portresses in public buildings.

All persons engaged in expert mechanical duties in public buildings or arsenals.

All persons employed as expert mechanics in prisons and reformatories, in asylums and other similar institutions, and by the Commissioners of Emigration.

Prison guards.

In the office of the Forest Commission:

Warden or chief forester.

Foresters.

At the Onondaga salt works:

All persons employed not otherwise classified.

In the prisons and reformatories:

Superintendents and other persons employed in the State account system.

In the asylums and similar institutions:

Supervisors of asylums or wards.

Attendants.

Nurses.

Orderlies.

All similar positions not otherwise classified.

POSITIONS IN SCHEDULE E.

Rule 31.

The positions in Schedule E shall be filled when vacant, by the promotion of those in the service in the lower grades of the same subdivision in the department, office or institution in which the vacancy or vacancies may occur. Promotions shall be made, subject to the provisions of these rules, by the officer or officers having the power of appointment. If, in the judgment of such officer or officers, there be none found in the lower grades fit to perform the duties in such vacant positions, in that case, and in no other, the positions may be filled in the same manner as is prescribed by these rules for filling the positions in the lowest grade of the same subdivision and class. Promotions shall be made by successive grades; in case of vacancy in any position in this schedule, it shall be filled by selection from the next inferior grade, if there be any person in such grade fit for promotion, and if there be no such person, then the promotion shall be made by a selection from the next inferior grade and so on until all the inferior grades are exhausted, and no person therein found fit, when the position shall be filled by appointment as above provided.

SCHEDULE E

Shall include the following positions:

CLASS I

SUBDIVISION 1.

All clerks and other persons of whatever designation, rendering services similar to those of clerks in any branch of the State service;

Fourth Grade. Clerks and like employés receiving an annual compensation of \$1,500 or more, but less than \$1,800.

Fifth Grade. Clerks and like employés receiving an annual compensation of \$1,800 or more, but less than \$2,000.

Sixth Grade. Clerks and like employés receiving an annual compensation of \$2,000 or more, but less than \$2,500.

Seventh Grade. Clerks and like employés receiving an annual compensation of \$2,500 or more.

The omission in the above classification and schedules of any existing position in the service will not exclude such position from the classification and schedules above specified, but it will be comprised in the class and schedule to which it belongs by the nature of its duties; such class and schedule to be indicated by the chief examiner.

All new positions, not excepted by law from classification, shall be deemed to be in Schedule B, unless the assignment of such positions to some other schedule be made by the commission. To procure such assignments to Schedules A, C or D, application must be made to the commission in writing by the appointing officer or board before making any appointment, and any assignment made by the commission shall be in writing, and notice thereof given to the appointing officer or board. Unless such application to the commission be made by the appointing officer or board in advance of the appointment there shall be no transfer to another schedule except by the Governor.

NEW YORK CIVIL SERVICE COMMISSION.

REGISTER OF QUALIFICATIONS, SCHEMES FOR EXAMINATIONS AND LIMITS OF AGE.

SCHEDULE B.

Under the provisions of Civil Service Rule 14, the following schemes have been prepared for the several grades and subdivisions in Schedule B:

CLERKSHIPS — FIRST AND SECOND GRADES.

Clerkships. Salaries less than \$1,200 per annum.

Included in these clerkships are positions as interpreters, copyists, bookkeepers, stenographers, typewriters and others.

Age not less than twenty-one nor more than fifty years.*

Stenographers. Candidates for positions as stenographers shall be subject to a general examination similar in character to that required in the case of clerks receiving an equal amount of salary.

Age not less than eighteen nor more than fifty years.

Obligatory Subjects.

	Relative weights
1. Writing from dictation (about one page of foolscap)	3
2. Handwriting	4
3. Spelling	2
4. Copying from manuscript (about one page)	2
5. Arithmetic (viz.: examples in numeration, addition, fractions, and in reduction of weights and measures)	3
6. Geography (viz.: questions regarding the State of New York and the United States)	1
Total	15

In addition there may be an oral examination and specific questions to test fitness for certain positions.

* Limitation of age does not apply, in any of the classes or grades, to persons honorably discharged from the military or naval service of the United States.

Optional Subjects.

Expert penmanship.
Elements of bookkeeping.
Foreign languages.
Special qualifications for any department of the civil service specified by the applicant.

CLERKSHIPS, THIRD GRADE.

Clerkships and like positions. Salaries of \$1,200 per annum or more, but less than \$1,500.

Age not less than twenty-one years nor more than fifty years.

Included in these clerkships are positions as interpreters, copyists, bookkeepers, stenographers, typewriters and others.

Stenographers. Candidates for positions as stenographers shall be subject to a general examination similar in character to that required in the case of clerks receiving an equal amount of salary.

Age not less than eighteen nor more than fifty years.

Obligatory Subjects.

	Relative weights.
1. Writing from dictation (about one page of foolscap).....	3
2. Handwriting.....	3
3. Spelling	3
4. Copying from manuscript (about one page).....	3
5. Arithmetic (1 example in addition; 3 in fractions; 2 in reduction; 3 in proportion; 4 in interest and discount).....	4
6. Geography (4 questions relative to New York, and 2 relative to the United States).....	1
7. History (4 questions relative to New York and 2 questions relative to the United States).....	1
8. Constitution (3 questions concerning that of New York; and 2 that of the United States).....	1
9. Making a condensed summary of a document (not exceeding 6 folios)	2
Total	<u>20</u>

In addition there may be an oral examination and specific questions to test fitness for certain positions.

Optional Subjects.

Expert penmanship.
English composition or letter writing.
Bookkeeping.
Foreign languages.

Special qualification for any department of the civil service specified by the applicant.

Interpreters. Applicants for positions as interpreters shall be subject to a general examination similar in character to that required in the case of clerks receiving an equal amount of salary. They shall be subject to a special examination, with a view to ascertain their fitness for the positions applied for. (a). In speaking and writing fluently and grammatically two (2) languages other than English. (b). In the rudiments of the history and geography of the countries in whose languages they offer to be examined. Their examination shall cover the following:

<i>Obligatory Subjects.</i>		<i>Relative weights.</i>
1. Rendering into English (speaking) dictated or spoken matter in two (2) foreign languages (each 5).....		10
2. Writing translation from same (2) foreign languages of printed matter or manuscript (not exceeding 6 folios).....		6
3. Elementary history and geography of the foreign countries in whose languages the candidate offers to be examined.....		4
Total		20

Optional Subjects.

Any additional foreign language.

MESSENGERS.

Office messengers and orderlies in offices and public buildings, and janitors in courts (class 3, part of subdivision III). The limits of age for messengers at the date of application are eighteen and fifty years.

<i>Obligatory Subjects.</i>		<i>Relative weights.</i>
1. Writing from dictation (about one page of foolscap)		2
2. Handwriting.....		3
3. Spelling.....		1
4. Writing down from memory the substance of a verbal order..		4
5. Arithmetic (viz.: examples in numeration, addition, subtraction, multiplication and division).....		2
6. An exercise in observation.....		3
Total		15

Those desiring to be examined also in a foreign language must give notice of their desire at the time of making application.

Candidates for positions as janitors will, in addition, be examined in regard to their knowledge of the specific duties of such positions. Candidates for the position of messenger must be in approved physical condition for active service.

REFORMATORY GUARDS.

Guards at the Elmira Reformatory (class 6, subdivision III, grade 1, salary thirty dollars per month). Applicants must be not less than five feet nine inches in height when unshod, and before being admitted to the service they must past a thorough physical examination by the prison physician. They must furnish, in addition to the ordinary indorsements, satisfactory vouchers that they are not of an irascible or passionate disposition, and are of kind and humane disposition. They need not be citizens of the State. Limits of age, twenty-one and fifty years.

<i>Obligatory Subjects.</i>	<i>Relative weights.</i>
1. Writing from dictation (about one page of foolscap).....	2
2. Handwriting.....	3
3. Spelling.....	1
4. Writing down from memory the substance of an order given orally	4
5. Arithmetic (examples in numeration, addition, subtraction, multiplication and division).....	2
6. An exercise in observation.....	3
7. An oral examination from which will be marked experience, discretion, habits and bearing.....	5
Total	20

TEACHERS.

Teachers in reformatories (class 6, subdivision V, grade I).

Teachers in asylums, etc. (class 7, subdivision VII, grade I).

[Positions open to competition have attached to them salaries of less than \$500, usually in addition to board. The limits of age are for male teacher, twenty-one and forty-five years, and for female teacher, eighteen and forty years, at date of application. The schemes of examination will probably be varied to meet the special requirements of the respective institutions, and so far as practicable and necessary will be based on examinations for "State certificates," under the direction of the Superintendent of the Department of Public Instruction.]

ENGINEERING POSITIONS.

Assistant engineers. 1. Arithmetic; 2. Geometry; 3. Applied or practical geometry; 4. Plane trigonometry; 5. Mensuration; 6. Use of instruments; 7. Mechanics; 8. Practical construction.

Levelers. 1. Arithmetic; 2. Plane trigonometry; 3. Mensuration; 4. Use and adjustment of instruments; 5. Tabulation of field-notes; 6. Making profile draughts; 7. Practical construction.

Rodmen. 1. Arithmetic; 2. Plane trigonometry; 3. Mensuration; 4. Use of leveling rod.

SCHEDULE C.

In positions in this schedule, where the duties are professional, technical or expert, the nominees or candidates will be required to show what preliminary training or technical education they have undergone to qualify them for such situations before they can be admitted to examination.

COURT OFFICERS AND CLERKS.

1. *Stenographers.* Candidates for positions as stenographers shall be subject to a general examination similar in character to that required in the case of clerks receiving an equal amount of salary, and the following:

<i>Obligatory Subjects.</i>	<i>Relative weights.</i>
1. Accuracy in taking notes of spoken or dictated matter at the rate of at least 150 words per minute.....	5
2. Correctness in transcribing such notes, regard being had to spelling (3) and penmanship (3).....	6
3. Accuracy in the immediate rendering of spoken or dictated matter, which they will be required to take down and read back aloud immediately.....	5
4. Arithmetic (fundamental rules, proportion, interest and discount)	2
5. Elementary history and geography of New York State and the United States.....	1
6. Constitution of New York State and of the United States....	1
Total	<hr/> 20 <hr/>

1. They may also be examined if they desire it, or may be required to be examined, in typewriting, and in one or more foreign languages.

2. *Court attendants* will be examined same as messengers, etc., as above.

3. *Employes whose functions are purely clerical.* Same as first and second-class clerks above.

4. *Clerks whose functions are more or less judicial or discretionary.* Candidates for the positions in this class shall be examined with a view to ascertaining their knowledge of the jurisdiction of the court for a position in which they apply, and their knowledge of the practice of the law pertaining to the special duties which they may be called upon to perform.

<i>Obligatory Subjects.</i>		Relative weights.
1. The practice of the law relative to the particular duties which they may be required to perform.....	5	
2. Questions relating to the jurisdiction of the court for a position in which they apply.....	3	
3. Writing from dictation (about one page of foolscap).....	2	
4. Copying from manuscript (about one page).....	2	
5. Handwriting	3	
6. Spelling	3	
7. Arithmetic (fundamental rules, fractions, reduction, discount, interest and proportion).....	3	
8. Geography and history (New York State and United States).	1	
9. Constitution	1	
10. Making a condensed summary of a document (not exceeding six folios)	2	
Total		25

Optional Subjects.

Expert penmanship, English composition or letter writing, book-keeping, short-hand writing, typewriting, foreign languages, special qualifications for the department specified by the applicant.

The examinations for other positions in Schedule C will vary greatly, according to the specific character of the duties which the several officers are to be called upon to perform. Candidates must be within the limits of age prescribed for the positions to which they are respectively nominated. They must be certified to be free from any defect or disease likely to interfere with a proper discharge of duty. They must be shown to be of such character as to be qualified for the positions sought, and must possess the requisite knowledge and ability for the performance of the official duties to be entrusted to them. The favorable certificate of the nominating officer will be essential.

SCHEDULE D.

Examinations for positions in Schedule D will cover similar ground, to those for positions in Schedule C, the particular form of the examinations being governed by the nature of the employment which those nominated are respectively called upon to enter. So far as practicable, such examinations shall be in writing.

SCHEDULE E.

Promotion examinations will be held, from time to time, as request for the same shall be made by those having the power of appointment. Promotion will be based in all cases upon the positive merit of the person promoted, and upon his previous service, as shown by the comparative records of the office or institution in which he has been employed, and upon the certificate of his immediate official superior that his efficiency and conduct during his past service has been in all respects satisfactory and entitles him to a favorable consideration. The form of the examinations will be varied as the necessities of the case may require.

INSTRUCTIONS TO EXAMINERS.

In order that the proceedings at all places may be uniform, the following instructions are given for the guidance of those selected by the commission as examiners to conduct the competitive examinations for the State service:

1. All the necessary arrangements for the examination-room and its proper furniture should be completed several days prior to the date of examination. Reference is made to the last clause of section 3 of the Civil Service Act, wherein permission is granted to use certain public buildings. The desks should be arranged so that competitors can not communicate with each other or copy each other's papers without observation. There should be at least twenty-five square feet of table for use of the examiners, and this should be so placed that supervision may be had of every desk. On the evening prior to the examination, each desk should be provided with a stand supplied with ink, two pen-holders with pens and blotting pad. It will be of great advantage to secure the services of a competent and trustworthy person to receive the candidates at the door of the examination-room, who might also assist the examiners during the entire day, particularly in distributing the papers to candidates. The attention of all concerned is respectfully invited to the fifth section of the Civil Service Act, which makes penal certain offenses.

2. The blank questions in sealed envelopes will be sent by mail or express from the office of the commission so as to reach each place of examination at least twenty-four hours before the date of examination, and should be deposited with seals intact, in some secure place. An accompanying package will contain the stationery and envelopes, each inclosing a desk-card.

3. On the day of examination the chosen assistant should attend early at the door of the examination-room with the package of envelopes containing desk cards. Each notified applicant must present to the attendant as a warrant for his appearance the official notification signed by the secretary of the commission, and no one should be admitted who does not present such notification. The attendant will give the applicant one of the envelopes, from which the

applicant will take the card inclosed, and, indorsing upon his notification the number of the card, will put the notification in the envelope, seal it and return it to the attendant. The applicant, retaining the card, will then be admitted to the examination-room as an accepted candidate. No applicant presenting himself after 10 o'clock A. M. should be admitted, since, no matter what may be the cause of delay, his admission after that hour would derange the proceedings.

4. At 10.05 A. M. the examiners should announce the beginning of proceedings, and should request the candidates to separate themselves into as many groups as there may be different forms of examination; as, for example: One to contain all candidates for positions of office messenger, etc.; the second to contain all candidates for first and second-grade clerkships; the third to contain all candidates for the third-grade clerkships; the fourth to contain all candidates for positions of stenographers or typewriters. For convenience, each group should then be seated by itself, as the examination for each is distinct.

5. All being properly seated, the examiners should break the seals and open the package of examination papers, which will be found in five parcels, one containing questions, etc., for third-grade clerkships, printed on *white* paper; one for first and second-grade clerkships, on *blue* paper; and one for messengers, etc., on *yellow* paper; and the fourth, also on *white* paper, for stenographers and typewriters; and a fifth, marked "optional," containing questions on optional subjects, which parcel should not then be opened. The papers from the several parcels should be kept distinct on the table, and each color will be found to contain several sets of questions, numbered from one upward, in each series.

6. The first paper from each series, viz.: "Writing from dictation," will be distributed to each candidate in the respective groups. In the white parcel, on a large card, will be found printed the matter to be dictated (which is to be read to and written down by all the candidates). After notice, one of the examiners will begin to read the matter to be dictated, slowly, and one phrase at a time, so that it may be fairly copied, and to avoid, if possible, a repetition which is apt to confuse the writers. Great care should be taken to read deliberately, with distinct utterance, until the whole has been read. Then, for review and proper punctuation, the whole should again be read, with ordinary rapidity.

7. The exercise in dictation is the only one in which all the groups join in unison, and after its completion all the papers should be taken up. The second paper in each series should then be given out to the candidates in the respective groups, and thenceforward to successive

papers in numerical order, but only one at a time. In the package of yellow papers, on a large card, will be found printed a "verbal order," which, after securing their attention, is to be read slowly and distinctly, and *once only*, to the candidates for positions of messenger, etc. This is the second paper in the series for that group. The reading of this "order" should take place immediately after the exercise in dictation, so that the other groups may not be disturbed in their work. Each candidate, when he completes a paper, is to be furnished with the next one, without regard to the progress of others in the group. The completed papers are to be taken up before the next ones are given out. In distributing the second paper, viz.: "Copying from manuscript," to the two groups of candidates for clerkships, one of the lithographed drafts of letters will be given as the matter to be copied.

8. Only general explanation should be given to candidates, and those should be limited to methods of procedure. No information or aid in solving questions should be permitted from any source, and vigilance should be exercised to prevent the use of any book or manuscript for such purpose, or copying from the papers of another candidate. No candidate should be allowed to leave the room while engaged upon a paper. One examiner should always be present in the examination-room.

9. The examiners will preserve order and decorum, and no conversation or unusual noise by the candidates should be permitted. They should not allow any visitors admitted by them to distract the attention of the candidates. No such visitors should be admitted, except by invitation of the examiners. The natural nervousness of candidates under examination is apt to be increased by the consciousness that they are observed, or their work scrutinized by those not officially in charge. Visitors should not be permitted to inspect the answers of candidates. Special care must be taken that nothing regarding the work of the candidates is procured for publication. The examiners hold all the papers in trust for the commission.

10. If a candidate declines to complete all the papers, and withdraws from the examination, he must deliver to the examiners his desk-card, on which the time of his withdrawal should be marked. Also, as each candidate completes all the papers he will deliver his desk-card, on which the time of completion should be marked. All these desk-cards will be retained by the examiners.

11. Each candidate on leaving will inform the examiners what optional subjects, if any, he has previously requested to be examined in, and they will name a time and place for him to appear for such

purpose, unless it is found convenient to complete the examination at that time.

12. The time occupied in the examination on obligatory subjects must not exceed seven hours. If this space be reckoned from the distribution of the first paper (10.10 A. M.), with an allowance of twenty minutes for luncheon, the close of the examination would be at 5.30 P. M. Should there occur an accidental delay in opening proceedings, or their suspension through any unforeseen cause, the examiners, in accordance with the twenty-fifth general regulation, will see that the full period of seven hours is allowed, but in no case should such allowance of seven hours be exceeded. Ten minutes before the time for closing the examination, notice of such closing should be given to the candidates, and at the close all papers, finished and unfinished, will be taken up.

OPTIONAL SUBJECTS.

13. While it is presumed that only a small number of candidates will desire to be examined on optional subjects, the interest of the public service will be subserved by giving full opportunity to all who desire such privilege. The examination on these subjects being comparatively brief, it may be held on the evening of the day of general examination, or the next day.

A special package of papers, for examination on such of the optional subjects as could be prepared in advance, will accompany the other papers. These are for "Elements of Bookkeeping," "Bookkeeping," "Foreign Languages." Full directions are given at the head of each paper.

For the other subjects the following plans will be pursued:

Expert Penmanship. This is an accomplishment of prime importance in some positions and of great value in all of them. The candidate will copy such paper as the examiners may select, and may also exhibit his skill in pen-writing and other styles useful or ornamental in engrossing, copying, recording, preparing tabulated statements, etc. The time occupied will be denoted on the paper by the examiners.

English Composition or Letter-writing. The examiners will select a subject for an essay or letter, writing the subject at the head of the sheet of foolscap paper. The candidate will then in their presence write the essay or letter, which should not exceed two pages in length. The time occupied should be recorded, and certified at the foot of the paper.

Special qualification for any department of the public service. The candidate will give in writing the details of the special experience or

training which he claims would be valuable in the service. If such proficiency is capable of a practical test, such as facility in adding correctly and rapidly long columns of figures, or in casting interest, or in making general averages, the representatives may test such qualifications and certify their estimate of the same to the commission.

Care must be taken that all such papers are, for the purpose of identification, marked with the candidate's desk number, as on the papers for obligatory subjects.

MARKING AND GRADING.

In addition to the instructions given in General Regulations 26 to 32, special directions as to marking and grading will be given to examiners when deemed necessary by the commission.

At the conclusion of the examination, the examiners (other than the general board at Albany), will carefully pack all the papers and forward them by express to

THE N. Y. CIVIL SERVICE COMMISSION,

Albany, N. Y.

SPECIAL REGULATIONS FOR GUIDANCE OF APPLICANTS.

As provided by Civil Service Rule 9, the following special regulations are issued for the guidance of applicants who may appear as candidates in the competitive examinations for the State service:

1. Applicants must present themselves punctually at the times and places specified in their official notifications. No one will be admitted except upon the production of such notification signed by the secretary of the commission.

2. Each applicant will be presented with an envelope, from which he will take a card inscribed with a number, and he will *retain this card* and indorse plainly the same number on his notification and *place the notification* in the envelope, seal it and return it to the person in attendance, and will then be admitted as an accepted candidate. The number on the card is known as the "desk number," *and such number and the name of the city where the examination is held must be put at the top of every paper used by the candidate in the examination.* This number is necessary as a means of identifying the papers with the name of the candidate when the envelope is opened. *The name of the candidate must not appear on any examination paper.* The desk number is so important that the attention of each applicant is particularly directed to the necessity of a correct and plain indorsement of the number on the notification before it is put in the envelope and sealed.

3. The examination will be in charge of the examiners appointed by the Civil Service Commission, who will decide all matters and preserve order. They must be obeyed in all respects, and are authorized to expel any one guilty of unseemly or disrespectful conduct.

4. The proceedings will begin by the separation of the candidates into groups, one of applicants for positions of messengers, etc., one for first and second-grade clerkships, and one for third-grade clerkships, etc. Each group will be seated by itself.

5. Candidates will be furnished with paper, pens and ink, but those who are accustomed to use any particular pen are advised to bring it with them. Pencils must not be used, and all the writing and figures

must be in ink. In writing from dictation and copying from manuscript, stylographic pens must not be used.

6. The questions used in the examination, except in a few cases which will be individually indicated, are printed with sufficient space after each for an appropriate answer, and the answer must be written in that space. A single sheet of foolscap paper is given each candidate for experimental calculations, but in solving the arithmetical problems, the entire process must be given on the examination paper in the space provided. A simple answer, without such process, will not receive a maximum mark, even if correct. It is for the interest of the candidates that the full operation be thus shown, since the examiners may thus detect any errors occurring through inadvertence, which might otherwise be attributed to ignorance of methods.

7. No candidate can be allowed to leave the examination-room until he has completed or given up the paper on which he is engaged. No changes or corrections in papers can be made after they are given up to the examiners.

8. No conversation, disturbing noise or actions will be allowed. Whenever a candidate has completed a paper, and wishes the next one or desires an explanation, he will hold up his hand, and one of the examiners or their attendant will visit the desk.

9. Candidates are warned not to bring with them for consultation any books or manuscripts; any use of such assistance, either in the examination-room or elsewhere during the examination, will be considered such a violation of the regulations as may lead to the rejection of the offender's papers.

10. The same penalty will be incurred by any candidate who copies from the paper of another or permits his own papers to be copied, or who receives or gives assistance of any kind, or who writes upon his papers any irrelevant or disrespectful remarks.

11. Candidates are recommended to bring their luncheons with them and to eat them in the examination-room. For the convenience of those coming from a distance, it is desirable to complete the examination in a single day, and the time consumed in going out for a meal would seriously abridge a candidate's available time for work.

The time allowed for the obligatory examination is seven hours with an additional allowance of twenty minutes for luncheon. This time can not be extended, but the examiners will not include any general delay, interruption or suspension of proceedings through accidental cause. In this connection candidates are advised, as a precautionary measure to carefully study the scheme of examination, in order to make an approximate allowance of time for each subject.

The seven hours is ample for the longest task, *i. e.*, the third-grade clerkship scheme, *but candidates are often apt to waste so much time in reviewing and recasting their work, and generally without advantage, that they are hurried in the latter subjects, and so often do themselves an injustice which can not be repaired.* Ten minutes before the time of closing, notice will be given, and at the expiration of that time all the papers, finished and unfinished, will be taken up.

13. In order that applicants may have a clear understanding of the scope of the examinations for the several positions open for competition, their attention is directed to the published schemes for examinations, which may be obtained by addressing the "Secretary of the New York Civil Service Commission, Albany, N. Y." By a careful study of these each applicant can estimate the amount of time he can allow for the respective subjects, and so not be hurried in any of them.

14. Finally, all candidates are advised that earnest and determined endeavor to honestly do the best, without worry or undue anxiety, will produce the highest possible result. The ordeal of these examinations, except in their necessary confinement, is not exacting or in any way difficult to those who have availed themselves of the free education the State offers to all.

INDEX TO BLANK FORMS.

FORM No.	PAGE
1a. Application paper, Schedule B.....	481
1b. Application paper, Schedule B, for reformatory guards....	484
2. Return of defective application for correction.....	488
3. Acknowledgment of receipt of application.....	488
4. Notice that application is rejected.....	489
5. Notice to appear for examination.....	489
6a. Result of examination of individual.....	490
7. Result of examination of all appearing.....	491
8. Notice of failure to pass.....	491
9. Notice of eligibility.....	492
10. Request of appointing officer to certify three names.....	493
11. Certificate of names to appointing officer.....	493
12. Notice of selection by appointing officer.....	494
13. Notice of appointment for probationary term.....	494
14. Notice that probation has not been satisfactory.....	495
15. Notice of reappointment after probation.....	495
16. Requisitions for papers by appointing officer.....	496
17. Circular letter from appointing officer to persons who have given recommendations	496
19. Nomination for non-competitive examination.....	497
20. Report of non-competitive examination.....	497
21. Certificate of qualification, Schedule C.....	498
25. Request for and certificate of examination for positions in Schedule D.....	498
26. Quarterly report of examiners, Schedule D.....	499
30. Reply to applicants other than for Schedule B.....	499

BLANK FORMS.

Form No. 1a.—Application Paper.

NEW YORK CIVIL SERVICE COMMISSION.

DIRECTION.

1. All the statements in the application are to be under oath.
2. Every false statement knowingly made by the applicant in this paper, or connived at by him in any certificate which may accompany the same is good cause for removal during probation. All appointments are first made for the probationary term of three months.
3. The application paper must be filled by the applicant in his own handwriting.
4. Send application, properly filled out and the certificate signed, to the New York Civil Service Commission, Albany, N. Y.
5. No recommendations or certificates besides those provided at the end of this blank will be received.
6. A failure to fill the blanks properly, or to send satisfactory certificates, will cause the application to be returned for correction, but no such opportunity will be given a second time. Applications which show that the applicant lacks the qualifications as to age, health, residence, etc., or that he is manifestly unfit for the service, will be rejected.
7. The receipt of the application, in proper form, will be acknowledged by the commission.
8. The applicant will be notified of the first examination which may be deemed conveniently located for him to attend, after his application is received. He should give notice of any change in his post-office address.

APPLICATION.

Desiring to enter the civil service of the State of New York as ain the.....at....., I make this application, and declare the following to be facts concerning myself, viz.:

- (1.) My full name is
- (2.) My post-office address is
- (3.) My legal residence is.....

(4.) I am a citizen of the State of New York. (N. B.—If a naturalized citizen, give date of naturalization.)

(5.) I have been a resident of the State of New York since.....

(6.) My present occupation or business is.....

(7.) To the best of my knowledge and belief I was born at, on the day of, 18... I am therefore years of age.

(8.) I believe and represent myself to be a person of good health, and without mental or physical incapacity or infirmity, of which I am aware, which in any way disqualifies me for a full discharge of official duty in the service which I seek to enter.

(9.) My principal occupation and my residence during each of the last five calendar years were as follows:

<i>Residence.</i>	<i>Occupation.</i>
1881.....;
1882.....;
1883.....;
1884.....;
1885.....;

(10.) Were you ever examined for the civil service? If so, where, when, and for what position?

(11.) Were you ever in the civil service? If so, state what service and the cause of your leaving it?

(12.) My education was received chiefly in (here state school, academy or college, and length of course).

(13) I have the following qualifications or experience which would be useful in the public service.

(14.) If you were in the military or naval service of the United States in the late war, give name of organization or vessel to which attached, date of enlistment or commission, position or rank, date and cause of discharge from the service, and any physical disability incurred in the service.

[Signature of applicant.]

STATE OF NEW YORK, }
COUNTY OF..... } ss.:

And on this day of, 188..., said having been duly sworn (or affirmed) before me, stated that to the best of his knowledge and belief the several statements in the foregoing application contained, whether in writing or print, are true.

[Signature of officer.]

[Official title.]

PHYSICIAN'S CERTIFICATE.

Given at, on, 188...

I,, a practicing physician, resident in the above named place, do hereby certify that I have examined the applicant,, and believe him to be free from any physical defect or disease which would be likely to interfere in any respect with the proper discharge of his duties, should he be selected for the service of the State of New York.

[Signature of physician.]

(N. B.—Whenever deemed expedient for the interests of the service, and particularly for positions other than clerks, an applicant who has proven himself as otherwise eligible for appointment will be liable to a physical examination by a physician in the service of the State, or acting on its behalf.)

CERTIFICATES OF CHARACTER.

Directions.—Not less than three nor more than five persons must vouch for the character of the applicant, and they must be citizens of good character and standing in the community where they and the applicant reside, and must have been personally acquainted with him for at least one year. Should an applicant receive an appointment, the names of the citizens may be publicly announced. Sections 9 and 13 of the Civil Service Act read as follows:

§ 9. No recommendation of any person who shall apply for office or place under the provisions of this act, which may be given by any Senator or Member of Assembly, or officer confirmed by the Senate, or judge of any court, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

§ 13. No recommendation or question under the authority of this act shall relate to the political opinions or affiliations of any person whatever.

N. B.—The persons who sign the following vouchers are notified that they may be required by appointing officers to give, over their own signatures, further information concerning their knowledge of the applicant.

VOUCHER No. 1.

I (being more than twenty-five years of age, and not a kinsman of the applicant) have been a resident of for years past. I have been personally acquainted with the applicant above, and I state, upon my honor, that I have read the application of said applicant, and believe each of the statements therein made to be

true: and that I believe him to be of good moral character, of temperate and industrious habits, and in all respects fit for the service of the State of New York, and that I am willing this certificate shall be published for public information.

[Signature.] [P. O. address.]
[Occupation.]

Also four more vouchers like above.

Form No. 1 b—Application Paper.

NEW YORK CIVIL SERVICE COMMISSION.

DIRECTIONS.

- 1. All the statements in the application are to be made under oath.
- 2. Every false statement knowingly made by the applicant in this paper, or connived at by him in any certificate which may accompany the same, is good cause for removal during probation. All appointments are first made for the probationary term of three months.
- 3. The application paper must be filled by the applicant in his own handwriting.
- 4. Send the application, properly filled out and the certificates signed, to the "New York Civil Service Commission, Albany, N. Y."
- 5. No recommendations or certificates besides those provided at the end of this blank will be received.
- 6. A failure to fill the blanks properly or to send satisfactory certificates will cause the application to be returned for correction, but no such opportunity will be given a second time. Applications which show that the applicant lacks the qualifications as to age, health, residence, etc., or that he is manifestly unfit for the service, will be rejected.
- 7. The receipt of the application, in proper form, will be acknowledged by the commission.
- 8. The applicant will be notified of the first examination which may be deemed conveniently located for him to attend, after his application is received. He should give notice of any change in his post-office address.

APPLICATION.

Desiring to enter the civil service of the State of New York as a in the at, I make this application, and declare the following to be facts concerning myself, viz.:

- (1.) My full name is.....
- (2.) My post-office address is.....
- (3.) My legal residence is.....

(4.) I am a citizen of the State of New York. (N. B.— If a naturalized citizen, give date of naturalization.)

(5.) I have been a resident of the State of New York since.....

(6.) My present occupation or business is.....

(7.) To the best of my knowledge and belief I was born at.... . .
on the..... day of, 18... I am therefore.....
years of age.

(8.) I believe and represent myself to be a person of good health, and without mental or physical incapacity or infirmity, of which I am aware, which in any way disqualifies me for a full discharge of official duty in the service which I seek to enter.

(9.) My principal occupation and my residence during each of the last five calendar years were as follows :

	<i>Residence.</i>	<i>Occupation.</i>
1882 ;
1883 ;
1884 ;
1885 ;
1886 ;

(10.) State whether married or single? If married, give number of children?

(11.) Were you ever in the civil service? If so, state what service and the causes of your leaving it?

(12.) My education was received chiefly in (here state school, academy or college and length of course).

(13.) If you have had the superintendence or command of men, or other experience that would be useful as a guard or keeper in reformatories, mention it?

(14.) If you were in the military or naval service of the United States in the late war, give name of organization or vessel to which attached, date of enlistment or commission, position or rank, date and cause of discharge from the service, and any physical disability incurred in the service.

[Signature of applicant.]

STATE OF NEW YORK, }
COUNTY OF } ss.:

And on this..... day of, 18.... said..... having sworn (or affirmed) before me, states that, to the best of his knowledge and belief, the several statements in the foregoing application contained, whether in writing or print, are true.

[Signatures of officers.]

[Official title.]

CERTIFICATES OF CHARACTER.

Directions.—Not less than three nor more than five persons must vouch for the character of the applicant, and they must be citizens of good character and standing in the community where they and the applicant reside, and must have been personally acquainted with him for at least one year. Should the applicant receive an appointment, the names of such citizens may be publicly announced. Sections 9 and 13 of the Civil Service Act reads as follows:

§ 9. No recommendation of any person who shall apply for office or place under the provisions of this act, which may be given by any Senator or Member of Assembly, or officer confirmed by the Senate, or judge of any court, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act.

§ 13. No recommendation or question under the authority of this act shall relate to the political opinions or affiliations of any person whatever.

N. B.—The persons who sign the following vouchers are notified that they may be required by appointing officers to give, over their own signatures, further information concerning their knowledge of the applicant.

VOUCHER No. 1.

I (being more than twenty-five years of age, and not a kinsman of the applicant), have been a resident of.....for.....years past I have been personally acquainted with....., the applicant above, for.....years, and I state, upon my honor, that I have read the application of said applicant, and believe each of the statements made therein to be true, and that I believe him to be of good moral character, of temperate and industrious habits, not of an irascible or passionate disposition, but of a kind and human disposition, and in all respects fit for service as a guard or keeper in the reformatories of the State of New York, and I am willing that this certificate shall be published for public information.

[Signature.]

[P. O. address.]

[Occupation.]

Also four more vouchers like the above.

PHYSICAL CONDITION.

Applicants for the position of reformatory guard will not receive an appointment until they have successfully passed a physical examination by a physician. In order that an applicant may be reasonably satisfied that he will pass such a physical examination before incurring the trouble and expense of appearing before the examining board for inquiry into his education, he should submit himself to some competent physician at or near his residence, and request an examination and certificate.

As a suggestion to the physician making such preliminary examination, his attention is invited to the following inquiries, the answers to which should be affirmative, except the last, which should be negative.

1. Is the candidate of sound physical condition?
2. Is his respiration full and free?
3. Is his voice clear and distinct?
4. Is his sight good?
5. Is his hearing sharp and quick?
6. Is the action of his heart natural?
7. Is he free from nervous complaints?
8. Is he free from headaches and fits?
9. Is he free from rupture?
10. Is he free from varicose veins in the legs?
11. Is he free from all internal complaints?
12. Are there any circumstances connected with health or strength that can, in your opinion, tend to render the applicant unfit for reformatory guard or keeper? If so, please state them.

CERTIFICATE.

I,....., a practicing physician, resident at....., do hereby certify that I have examined....., the above applicant, and having in view all and several the above questions, I do further certify that I find him physically*..... for the service of the State of New York.

[Signature.]

Dated at....., this day of, 188.

Here add the words "fit" or "unfit," as the case may require, and at the end any further remarks deemed desirable.

Form 2.—Return of Defective Application for Correction.

STATE OF NEW YORK.

CIVIL SERVICE COMMISSION, }
ALBANY,, 188.. }

SIR.—Your application paper is herewith returned for correction, because it does not conform to the directions. The particulars referred to are indicated by pencil marks upon the margin.

Please perfect your application as required, and return it to this office. Under the rules a second opportunity for correction can not be given.

Very respectfully yours,

.....

Secretary.

CIVIL SERVICE RULE XI.

Defective applications will be suspended and applicants notified to amend the same, but no such notice will be given or opportunity granted a second time. Whenever the application shows that the applicant is not within the prescribed limits of age or otherwise not qualified under the rules and regulations, or is manifestly unfit for the service, the application will be rejected.

Form 3.—Acknowledgment of Receipt of Application.

Application No.....

STATE OF NEW YORK:

CIVIL SERVICE COMMISSION, }
ALBANY....., 188.. }

SIR.—Your application for a position as a in the at, being in class, subdivision, grade, has been received and found to conform with the rules. Your name has, therefore, been placed on the proper register of persons entitled to notice of examination. Such notice will be sent to you by mail ten days previous to the first examination held after this date for the grade above named. The registration of an applicant entitled to examination, confers no other right, and your attention is called to the regulations below.

Very respectfully yours.

.....

Secretary.

CIVIL SERVICE REGULATIONS 19 AND 20.

19. The commission can not advise persons as to vacancies in the service, nor furnish any information as to the duties, salaries, course or promotion or other conditions or positions, except such as may be found in printed regulations. No advice can be given as to the course of preparation that applicants should follow, nor can specimens of the examination papers be furnished.

20. All application papers and accompanying certificates will remain on file in the office of the commission, and under no circumstances or conditions will the originals be returned to the applicants.

Form 4.—Notice that Application is Rejected.

STATE OF NEW YORK:

CIVIL SERVICE COMMISSION,
ALBANY,, 188.. }

SIR.—I am directed by the Civil Service Commission to inform you that your application shows that you are not qualified for service in the position sought by you, viz.: in class, subdivision, grade, for the following reasons:

Your application is, therefore, rejected under the provisions of Rule XI, and can not be again accepted until you are in all respects qualified.

Very respectfully yours.

.....

Secretary.

CIVIL SERVICE RULE XI.

Defective applications will be suspended and applicants notified to amend the same, but no such notice will be given or opportunity granted a second time. Whenever the application shows that the applicant is not within the prescribed limits of age or otherwise not qualified under the rules and regulations, or is manifestly unfit for the service, the application will be rejected.

Form 5.—Notice to Appear for Examination.

STATE OF NEW YORK:

CIVIL SERVICE COMMISSION,
ALBANY,, 188.. }

SIR.—You are hereby notified that a competitive examination, under the rules and regulations of the Civil Service Commission, of applicants for admission to positions in class, subdivision, grade,

will be held at....., city of, on the .. . day of, 188..., beginning at o'clock A. M. You must be present at the hour named or it will not be practicable to examine you.

A failure to attend, unless satisfactorily shown to have been occasioned by sickness or other sufficient cause, will debar you from further notice of examination under your present application.

This notification must be presented to the examiners as your authority to appear.

Very respectfully.

.....
Secretary.

Form 6a — Result of Examination of Individual.

EXAMINATION No.

Result of examination of

SUBJECT		Relative weight given to subjects.	Standing on subjects.	Product of standing and weight.
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
Sum of weights				
Total product				
General average standing				

Optional Subjects.

Standing.

11.....	.....
12.....	.....
13.....	.....
14.....	.....

Form 7.—Result of Examination of all Appearing.

Examining Board
No.

RESULT OF EXAMINATION NO.

Schedule B,
Class. .
Subdivision.
Grade.

CIVIL SERVICE—STATE OF NEW YORK.

To the Civil Service Commission:

At an examination held on the day of, 188..., there appeared applicants, and the following is a true statement of the standing of such applicants as marked by us:
Dated at 188..

.....
.....
Examiners.

NAMES.	General average standing.	STANDING ON OPTIONAL SUBJECTS.						Remarks.
		11.	12.	13.	14.	15.	16.	

Form 8.—Notice of Failure to Pass.

STATE OF NEW YORK.

CIVIL SERVICE COMMISSION,
ALBANY,, 188..

SIR.—I have to inform you that at the examination held at on the day of, 188..., for positions in class, subdivision, grade, you failed to pass the minimum of in, and therefore your name can not be placed on the register of those eligible for appointment.

Very respectfully yours.
.....
Secretary.

CIVIL SERVICE RULE XV.

No person whose standing on any obligatory subject is less than fifty, or whose ascertained average standing on all the obligatory subjects is less than seventy, will be entered upon the eligible list.

Form 9 — Notice of Eligibility.

Exam. Board. }
No. 6. }{ Class.
Subdivision.
Grade.

STATE OF NEW YORK:

CIVIL SERVICE COMMISSION,
ALBANY,, 188... }

SIR.— At the examination held at, on the . . . day of, 188 , you passed above the minimum of seventy, and your name has therefore been placed upon the proper register of applicants eligible for appointment. Whenever your name is reached in the order of its general standing, it will be certified with two others to such heads of departments, offices and institutions as give notice of vacancies in the grade for which you are eligible. Should you be selected for appointment you will be so advised by the appointing officer. Under these conditions your name will remain on the register for one year from the date of examination, and if not selected during that period it will be dropped from the register.

Your standing and extracts from the rules and regulations are given below.

Very respectfully.

.....
Secretary.

Perfect standing, 100.

Your general average was

On optional subjects your standing was

EXTRACTS FROM RULES AND REGULATIONS.

Rule 18. Whenever physical qualifications are of prime importance in the proper discharge of duties in any position, applicants must pass a physical examination and be certified as qualified in such respect, before record on the proper eligible list for selection for such position, or before certification by the commission as qualified for such selection.

Rule 19. No person on any register shall be certified more than three times to the same officer, except upon request of such officer; nor shall any one remain eligible more than one year on any register. No person while remaining eligible on any register shall be admitted to a new examination for the same grade or subdivision.

Rule 40. Every original appointment or employment in the civil service shall be for the probationary term of three months, at the end of which time, if the conduct and capacity of the person appointed or employed have been found satisfactory, the probationer shall be absolutely appointed or employed, but otherwise his employment shall cease.

* * * * *

Regulation 19. The commission can not advise persons as to vacancies in the service, nor furnish any information as to duties, salaries, course of promotion, or other conditions of position except such as may be found in printed regulations. * * *

Regulation 32. Priority of date in examination will give no advantage in position on the eligible list. * * * *

Form 10—Request from Appointing Officer to Certify Three Names.

CIVIL SERVICE — STATE OF NEW YORK.

OFFICE OF....., }
....., 188... }

To....., *Secretary of the Civil Service Commission:*

SIR.—A vacancy now exists in the position ofin this , at an annual salary of \$....., being in class...., subdivision...., grade..... I have therefore to request that you will certify to me the names of the three eligible applicants for such grade, standing highest on the register.*

Very respectfully.

.....

Form 11—Certificate of Names to Appointing Officers.

STATE OF NEW YORK:

OFFICE OF THE CIVIL SERVICE COMMISSION, }
ALBANY,....., 188... }

SIR.—In response to your notice of a vacancy in your....., in class...., subdivision...., grade...., dated....., I have the honor to certify to you, in accordance with the civil service rules, the following three names from the register of persons eligible to such grade, having the highest general standing:

NAMES.	P. O. Address.	Standing.

I have the honor to be, your obedient servant.

....., *Secretary.*

To the.....

* Indicate here if proficiency in an optional subject is of prime importance.

Form 12 — Notice of Selection by Appointing Officer.

CIVIL SERVICE — STATE OF NEW YORK.

OFFICE OF }
....., 18... }To, *Secretary of the Civil Service Commission*:

SIR.—Of the three names certified to me by you on the day of, 188..., I have selected Mr., of, for appointment for a probationary term of three months, in class....., subdivision, grade

Very respectfully.

.....

Form 13 — Notice of Appointment for Probationary Term.

CIVIL SERVICE — STATE OF NEW YORK.

OFFICE OF }
....., 188... }

To :

SIR.—This is to inform you that under the provisions of the civil service rules, I have selected you for appointment to the position of in this for a probationary term of three months from the date when you begin service. Should your conduct and efficiency during such probationary term prove satisfactory, you will, at its close, receive a regular appointment, otherwise your appointment will cease. The salary attached to such position is at the rate of \$.... per annum.

This conditional appointment does not preclude prompt discharge from service at any time during such probationary term in case of misconduct or inefficiency. A prompt reply is requested stating whether this appointment is accepted, and giving the earliest date when you can present yourself for service.

Very respectfully.

.....

Form 14.—Notice that Probation has not been Satisfactory.

{ Class.
Subdivision.
Grade.

CIVIL SERVICE—STATE OF NEW YORK.

OFFICE OF , }
....., 188.. }

SIR—I have to inform you that your during your employment in this department for a probationary term of three months has not been found satisfactory, and that in accordance with the terms of your original appointment, as prescribed in the fortieth civil service rule, your employment in this office will cease on the day of, 18...

Very respectfully yours.

.....

Rule XL.

Every original appointment or employment in the civil service shall be for a probationary term of three months, at the end of which time, if the conduct and capacity of the person appointed or employed shall have been found satisfactory, the probationer shall be absolutely appointed or employed, but otherwise his employment shall cease * * *

Form 15.—Notice of Reappointment after Probation.

{ Class.
Subdivision.
Grade.

CIVIL SERVICE—STATE OF NEW YORK.

OFFICE OF , }
....., 188.. }

SIR—Upon the report of the officer under whom you have immediately served in this department that your conduct and capacity as a, during the probationary term of three months, has been found satisfactory, you are hereby reappointed without term, as a clerk in this department, at an annual salary of \$....., beginning on the day of, 188..

Rule XL.

Every original appointment or employment in the civil service shall be for a probationary term of three months, at the end of which time, if the conduct and capacity of the persons appointed or employed

shall have been found satisfactory the probationer shall be absolutely appointed or employed, but otherwise his employment shall cease.

Every officer under whom any probationer shall serve during any part of his probation shall carefully observe the quality and value of the service rendered by such probationer, and shall report in writing to the proper appointing officer the facts observed by him, showing the character and qualifications of such probationer and of the service performed by him; and such reports shall be preserved on file.

Form 16.—Requisition for Papers by Appointing Officer.

CIVIL SERVICE—STATE OF NEW YORK.

OFFICE OF }
, 188... }

To the Secretary of the Civil Service Commission :

SIR.—In accordance with the fourth paragraph of Rule 17, I hereby make requisition for the application and examination papers of and which will be treated as confidential and returned to your files within five days from receipt.

Form 17.—Circular Letter from Appointing Officers to Persons who Have Given Recommendations.

CIVIL SERVICE—STATE OF NEW YORK.

OFFICE OF }
, 188... }

To

SIR.—Appended to the application of for a position in the civil service as a, filed with the Civil Service Commission, is your general certificate of his good character and habits.

As his name is on the eligible list, I would respectfully request you to answer the following questions in writing after each, sign your name at the foot, and return the paper to me at your earliest convenience.

Very respectfully yours.

How long have you known ?

How long has he resided in ?

Is he temperate, truthful and industrious ?

Is his general reputation in the community good ?

In your judgment, are his health, character, associates and habits such as fit him for the civil service of the State of New York ?

Would you hesitate, on account of his capacity, condition of health, character, associates or habits to employ him in your own private business, had you occasion for such services as he desires to render the State?

Signed, the day of, 188..

Form 19.—Nomination for Non-Competitive Examination.

CIVIL SERVICE—STATE OF NEW YORK.

OFFICE OF, }
....., 188.. }

To, Secretary of the Civil Service Commission:

SIR.—Under the provision of Civil Service Rule 25, I hereby name of for non-competitive examination for the position of in this, being in class, subdivision, grade

I transmit herewith such testimonials of his qualifications, conformable to the rules, as I have in my possession and request (*).

Very respectfully.
.....

Form 20.—Report of Non-Competitive Examination.

Examining Board.	{	REPORT OF EXAMINATION.	{	Schedule C.
No.				Class.
				Subdivision.
				Grade.

CIVIL SERVICE—STATE OF NEW YORK.

....., 188..

To the Civil Service Commission:

We have the honor to report that, that in accordance with your directions, and under the rules and regulations for the civil service, we have examined Mr., of, and† him qualified to enter upon the discharge of official duties as

The certificates and documents setting forth the details of such non-competitive examination are transmitted herewith.

We are very respectfully.
.....
Board of Examiners.

* Here please state if an immediate examination is requested.
† Enter here as may be required, the words "do not find" or "find."

Form 21.—Certificate of Qualification, Non-Competitive Examination.

CERTIFICATION OF QUALIFICATION.

Schedule C.
 { Class.
 { Subdivision.
 { Grade.

CIVIL SERVICE—STATE OF NEW YORK.

No.

OFFICE OF THE CIVIL SERVICE COMMISSION, }
 ALBANY,, 188.. }

This is to certify that by a non-competitive examination under the direction of the commission, and in accordance with the rules and regulations for the civil service, Mr., of, has been found qualified to enter upon the discharge of duties as a

.....,
 Secretary.

Form 25.—Request for and Certificate of Examination.

Schedule D.

CIVIL SERVICE—STATE OF NEW YORK.

OFFICE OF....., }
188.. }

To the Board of Examiners :

You are respectfully requested to examine for the position of in.....

Schedule D.

Subdivision }
 Class . }
 Grade }

CIVIL SERVICE—STATE OF NEW YORK.

Board of Examiners No.

....., 188...

This is to certify that, in accordance with the rules and regulations for the civil service, has been examined and found qualified for the position of..... in

.....
Board of Examiners.

N. B. — No certificate of those found not qualified is to be issued. Their rejection and cause for same must be recorded in the minutes of the proceedings.

Form 26.

STATE OF NEW YORK—CIVIL SERVICE.

Quarterly Report—Schedule D.

Report of persons examined for position in Schedule D, in the....
at during the quarter ending, 188...

Date of examination.	Name of person examined.	For what position.	Marking, ("Qualified," or "not qualified.")	Date of certificate.

Respectfully submitted.

.....
Chairman of Ex. Board.

To the Civil Service Commission, Albany, N. Y.

Form 30—Reply to Applicants other than for Schedule B.

STATE OF NEW YORK:

CIVIL SERVICE COMMISSION,

ALBANY,, 188.. }

SIR.—I would respectfully inform you that the position mentioned in your letter of, is in class, subdivision, grade, and under the civil service rules is comprised in Schedule, Applications for position in that schedule can not be received by the commission.

Civil service regulation 18 provides that "all applications for positions in Schedules A, C and D, must be made to the head of the department, office, or institution where the position is sought."

The inclosures in your letter are returned herewith.

Very respectfully yours.

.....
Secretary.

GENERAL INDEX.

A.

ADJUTANT-GENERAL.	PAGE.
roster of employés of.....	329
AGE.	
limits of	464
AGRICULTURAL EXPERIMENT STATION.	
roster of employés at	335
ALBANY.	
number of persons examined.....	6
number of persons appointed	7
number of removals made	8
number of promotions made	9
number of persons who have passed examinations	12
number of laborers	14
number of persons subject to regulations in	5
ANDREWS, J. B.	
letter from	100, 135
letter to	100, 135
AMSTERDAM.	
number of persons subject to Civil Service regulations in.....	5
report of city attorney of.....	26
AMENDMENTS.	
to Brooklyn regulations.....	120
to Buffalo regulations	124
APPOINTING OFFICERS.	
letter to	104
Amended rules	418
APPENDICES.	
contents of.....	53
Appendix A.....	57
Appendix B.....	77
Appendix C.....	97
Appendix D.....	143
Appendix E.....	301
Appendix F.....	319
Appendix G.....	405

APPLICANTS.	PAGE.
special regulations for guidance of	476
APPOINTMENTS.	
number and character of	93
total number of	93
list of, Schedule B	80
list of, Schedule C	82
in city courts	82
in board of excise, New York	84
provisional	84
ASSEMBLY.	
officers of	337
ATTORNEY-GENERAL.	
opinions	42, 259, 269, 271, 275, 277, 278, 279, 286
roster of employés of	322
AUBURN.	
number of persons subject to Civil Service regulations in	5
number of persons examined	6
number of persons appointed	7
number of removals made	8
number of promotions made	9
number of persons who passed examinations	12
number of laborers	14
report of chairman, Civil Service board of	21
AUBURN PRISON.	
roster of employés in	340
AUBURN ASYLUM.	
roster of employés in	374
AUSTIN, MORTIMER, V.	
letter to	125
B.	
BANKING DEPARTMENT.	
roster of employés in	325
BATAVIA ASYLUM FOR THE BLIND.	
roster of employés in	379
BECKER, PHILIP.	
letter from	122, 126
letter to	124, 127
BINGHAMTON.	
number of persons subject to Civil Service regulations in	5
number of persons examined	6

BINGHAMTON — (Continued).

PAGE.

number of persons appointed	7
number of removals made.....	8
number of promotions made	9
number of persons who passed examination.....	12
number of laborers in	14
report of chairman Civil Service board of	21
report of mayor of	22
asylum, roster of employés in.....	363
Birthplace of candidates.....	88

BLANK FORMS.

index to.....	479
---------------	-----

BOARD OF ARBITRATION.

roster of employés of	335
-----------------------------	-----

BOARD OF CLAIMS.

roster of employés of	326
-----------------------------	-----

BOARD OF CHARITIES.

roster of employés of	328
-----------------------------	-----

BOARD OF ELECTRICAL CONTROL.

roster of employés of	392
letter to	113

BOARD OF EXCISE.

appointments in.....	84
roster of employés of	384

BOARD OF HEALTH.

roster of employés of	327
-----------------------------	-----

BOARD OF REGENTS.

roster of employés of	330
-----------------------------	-----

BOWKER, R. R.

letter from.....	103
letter to	103

BRUSH, A. A.

letter to	115
letter from.....	116

BROCKWAY, Z. R.

letter from.....	106
letter to.....	107, 111

BROOKLYN.

report of mayor of	20
report of Civil Service Commission of.....	20
number of persons subject to Civil Service regulations in.....	5

BROOKLYN — (Continued).**PAGE**

number of persons examined.....	6
number of persons appointed.....	7
number of removals made	8
number of promotions made	9
number of persons who passed examinations.....	12
number of laborers.....	14
amendments to regulations	120
amendments to regulation XXXVII revoked.....	132

BUFFALO.

report of Civil Service board of.....	22
number of persons subject to Civil Service regulations in.....	5
number of persons examined.....	6
number of persons appointed	7
number of removals made.....	8
number of promotions made	9
number of persons who passed examinations.....	12
number of laborers in.....	14
amendments to regulations	124
asylum, roster of employés.....	372

BUREAU OF LABOR STATISTICS.

roster of employés in	327
-----------------------------	-----

C.

Cases undecided.....	299
----------------------	-----

CANDIDATES.

occupation of, etc.....	88
Chief Examiner's report.....	57

CHIEF OF ORDNANCE.

roster of employés of	396
-----------------------------	-----

CHAPIN, A. C.

letter from	101
letter to	127

CITIES.

reports of mayors of.....	17
number of persons in Civil Service of.....	5
number of persons examined in.....	6
number of persons appointed	7
number of removals made in.....	8
number of promotions made in	9
number of persons who passed examinations in.....	12
number of laborers in.....	14
statistical table of employés in.....	94

CIVIL SERVICE.

PAGE.

Commission, roster of employés of.....	327
classification	446, 452
statutes	405
roster of employés in	319
of cities, number of persons in	5
of State, number of persons in	5
decisions and opinions construing statutes	144
rules	419
regulations	439

OLEAVELAND, J. M.

letter from	108, 134
letter to	108

CLINTON PRISON.

roster of employés in	343
classification	446, 452

COMMISSIONERS OF CIVIL SERVICE.

meetings of.....	46
roster of employés of.....	327

COMMISSIONERS OF ÉMIGRATION.

roster of employés of	386
-----------------------------	-----

COMMISSIONER OF NEW CAPITOL.

roster of employés of	335
-----------------------------	-----

COMPTROLLER.

roster of employés of	321
-----------------------------	-----

COOK, FREDERICK.

letter from.....	105
letter to	106

CONNOLLY, JAMES.

letter from.....	135
------------------	-----

CORRESPONDENCE..... 99

COURTS.— NEW YORK CITY.

roster of employés.....	392
first district.....	392
second district.....	393
third district.....	393
fourth district	393
fifth district.....	393
sixth district.....	394
seventh district.....	394
eighth district.....	394
ninth district	394

COURTS.—NEW YORK CITY—(*Continued*).

	PAGE
tenth district	395
eleventh district.....	395
board of police justices.....	396
supreme	397
superior.....	398
special sessions.....	399
common pleas	399
general sessions.....	400
city	401

BROOKLYN:

first district.....	395
second district.....	395
third district.....	396
city	402
appointments in.....	82

CUSTODIAL ASYLUM FOR WOMEN.

roster of employés in	378
-----------------------------	-----

D.

DAIRY COMMISSIONER.

roster of employés of	328
-----------------------------	-----

DECISIONS CONSTRUING CIVIL SERVICE STATUTES..... 33, 144

People <i>ex rel.</i> Wright <i>v.</i> Common Council of Buffalo.....	145
People <i>ex rel.</i> Chin <i>v.</i> Pollon.....	160
People <i>ex rel.</i> Chin and Travers <i>v.</i> Moore.....	161
People <i>ex rel.</i> Ryan <i>v.</i> The Civil Service Supervisory and Examin- ing Board of the city of New York	165
Killeen <i>v.</i> Angle, secretary, etc., and others (General Term)	176
Killeen <i>v.</i> Angle, secretary, etc., and others (Court of Appeals)	190
<i>In re</i> Gaffney <i>v.</i> The Mayor of Buffalo.....	200
<i>In re</i> Wortman <i>v.</i> The Common Council of Buffalo	209
Sherman S. Rogers <i>v.</i> The Common Council of Buffalo.....	203, 213
William F. Peck <i>v.</i> The City of Rochester	220
The People <i>v.</i> Wallace	227
The People <i>ex rel.</i> Travis <i>v.</i> Durston.....	231
United States <i>v.</i> Curtis	240
United States <i>ex rel.</i> James W. Hinckley <i>v.</i> Dorman B. Eaton and others.....	248
United States <i>v.</i> Perkins	249
<i>In re</i> Morris S. Miller	251
The Commonwealth <i>ex rel.</i> Abrams <i>et al v.</i> Stokley.....	256

DEPARTMENT OF PUBLIC INSTRUCTION.

roster of employés of.....	326
----------------------------	-----

DUNKIRK.

report of mayor of.....	26
number of persons subject to Civil Service regulations in.....	5

GENERAL INDEX.

507

DRAPER, A. S.

PAGE.

letter from..... 136

E.

Education of candidates 88

EGGLESTON, J. H.

letter to..... 109

ELMIRA.

report of mayor of..... 23

number of persons subject to Civil Service regulations in 5

number of persons examined..... 6

number of removals made 8

number of promotions made 9

number of persons who entered examinations 11

number of persons who passed examinations..... 12

number of laborers..... 14

reformatory, roster of employés in..... 344

EMIGRANT HOSPITAL, WARD'S ISLAND.

roster of employés..... 387

EMPLOYÉS.

number in each department as classified 89

roster of..... 321

ENGINEER AND SURVEYOR.

roster of employés of 323

ENOS, FRANK B.

letter from..... 114

letter to 115

EXAMINERS.

list of..... 78

instructions to..... 471

compensation of..... 45

EXAMINATIONS.

competitive..... 57

non-competitive 67

Schedule B..... 66

Schedule C..... 68, 71

Schedule D..... 72

schemes for..... 464

summary of persons admitted to..... 88

clerkships 65

messengers 65

provisional 66

prison officers..... 16, 59

EXAMINATIONS — (Continued).**PAGE.**

reformatory guards.....	64
clerks, Castle Garden.....	63
board of excise, New York.....	70
health officers	70
court interpreters.....	57
court janitors.....	58
stenographers and typewriters.....	59
electrical experts	62
inspectors electrical conductors.....	63

EXECUTIVE DEPARTMENT.

rosters of employés in.....	321
-----------------------------	-----

F.**FACTORY INSPECTOR.**

roster of employés of	334
-----------------------------	-----

FARRELL, R. F.

letter to.....	110
----------------	-----

FLANDERS, GEORGE L.

letter from.....	138
letter to.....	140

FOREST COMMISSION.

roster of employés of	327
-----------------------------	-----

FORMS.

index to.....	479
---------------	-----

G.**GRAHAM, JAMES G.**

letter from.....	136
letters to	113, 137

H.**HEALTH OFFICE.**

roster of employés in	391
-----------------------------	-----

HEALTH OFFICERS.

appointments	84
--------------------	----

HENDRIX, W. E.

letter to	110
-----------------	-----

HOLBROOK, EDWIN M.

letter to	109
-----------------	-----

HOUSE OF REFUGE, RANDALL'S ISLAND.

roster of employés in.....	389
----------------------------	-----

GENERAL INDEX.

509

	PAGE
HOUSE OF REFUGE FOR WOMEN.	
roster of employés in.....	374
HUDSON RIVER STATE HOSPITAL.	
roster of employés in.....	369

I

Index to blank forms.....	479
INDUSTRIAL SCHOOL, ROCHESTER.	
roster of employés in.....	346
INSTITUTION FOR DEAF AND DUMB, MALONE.	
roster of employés in.....	384
INSTITUTION FOR DEAF-MUTES, NEW YORK.	
roster of employés in.....	382
INSURANCE DEPARTMENT.	
roster of employés in.....	325
INSPECTOR-GENERAL.	
roster of employés of	329
INSPECTOR, RIFLE PRACTICE.	
roster of employés.....	329
ITHACA.	
report of mayor of.....	29

J.

JAMESTOWN.	
report of mayor of.....	24
Judicial decisions.....	33, 145

K.

KINGSTON.	
number of persons subject to Civil Service regulations in.....	5

L.

LACHMAN, SAMSON.	
letter to.....	108
LE COUTEULX ST. MARY'S INSTITUTION FOR DEAF AND DUMB, BUFFALO.	
roster of employés in	382
LEGISLATURE.	
employés of, should be classified.....	51
List of Examiners.....	78

LONG ISLAND CITY.	PAGE.
report of mayor of.....	29
LOCKPORT.	
report of mayor of.....	27
M.	
MAYORS.	
reports of	17
letter to	140
MIDDLETOWN.	
report of mayor of.....	29
asylum, roster of employés in.....	360
MITCHELL, WILLIAM.	
case of	36
letter from	37
MUNICIPAL EXAMINING BOARDS.	
letter to	141
N.	
NEW YORK.	
report of mayor of.....	18
report of Civil Service board of.....	20
number of persons subject to Civil Service regulations in.....	5
number of persons examined.....	6
number of persons appointed.....	7
number of removals made.....	8
number of promotions made.....	9
number who passed examinations.....	12
number of laborers.....	14
board of excise, roster of employés.....	384
Institution for the Blind, roster of employés	380
NEWBURGH.	
report of mayor of.....	23
number of persons subject to Civil Service regulations in.....	5
number of persons examined.....	6
number of persons appointed	7
number of laborers in.....	15
O.	
OGDENSBURGH.	
report of mayor of.....	23
number of persons subject to Civil Service regulations in.....	5
Occupation of candidates.....	88
ÓNONDAGA SALT SPRINGS.	
roster of employés.....	331

GENERAL INDEX.

511

OPINIONS.

PAGE.

Attorney-General of New York.....	259, 271, 275, 277, 269
Attorney-General of United States.....	278
Attorney-General, Massachusetts.....	286
Justices, Supreme Court, Massachusetts.....	289, 293

OSWEGO.

report of mayor of.....	27
-------------------------	----

P.

PHILLIPS, LEE.

letter from.....	99
letter to.....	100

POUGHKEEPSIE.

report of mayor of.....	24
number of persons subject to Civil Service regulations in.....	5
number of persons examined in.....	6
number of persons appointed in.....	7
number of persons who entered examinations.....	11
number of persons who passed examinations.....	13

PRESTON, WILLIAM I.

letter from.....	130
------------------	-----

PRISON OFFICERS.

examinations for.....	16
-----------------------	----

PROMOTIONS.

list of.....	86
--------------	----

PUBLIC WORKS.

department of, exempted.....	42
------------------------------	----

PURCELL, W.

letter from.....	116
letter to.....	117

Q.

QUALIFICATIONS.

register of.....	464
------------------	-----

QUARANTINE COMMISSION.

roster of employés.....	391
-------------------------	-----

R.

RAILROAD COMMISSION.

roster of employés of.....	326
----------------------------	-----

REGULATIONS. (See index to).....

city.....	33
special, for guidance of applicants.....	476
taxpayers may enforce compliance with.....	33
Report of chief examiner.....	57

REMOVALS.**PAGE.**

list of 85

RESOLUTIONS.

assistant to Attorney-General, Schedule A..... 303
 clerk, deputy clerk and stenographer, Board of Claims, Schedule A, 309
 classifying positions board of electrical control..... 309
 messenger, Superintendent of State Prisons, Schedule A..... 310
 transferring positions in office of Comptroller..... 312, 314
 assistant corporation examiner, Secretary of State, Schedule C.... 316
 private secretary, Factory Inspector, Schedule C 317

ROCHESTER.

report of Civil Service board of..... 24
 number of persons subject to Civil Service regulations in..... 5
 number of persons examined..... 6
 number of persons appointed..... 7
 number of removals made..... 8
 number of promotions made..... 9
 number of persons who passed examinations..... 12
 number of laborers in..... 14

ROME.

report of mayor of..... 28
 number of persons subject to Civil Service regulations in..... 6

RULES. (See index to)..... 419

ROSTER OF STATE EMPLOYÉS..... 29, 321

Executive Department 321
 Secretary of State..... 321
 Comptroller..... 321
 Treasurer..... 322
 Attorney-General 322
 Engineer and Surveyor..... 323
 Superintendent of Prisons 325
 Insurance Department 325
 Department of Public Instruction 326
 Railroad Commission..... 326
 Board of Claims 326
 Board of Health..... 327
 Civil Service Commission 327
 Bureau of Labor Statistics 327
 Forest Commission..... 327
 Dairy Commissioner 328
 Board of Charities..... 329
 Adjutant-General..... 329
 Inspector-General 329
 Inspector of Rifle Practice... 329
 Court of Appeals..... 330
 Board of Regents..... 330

ROSTER OF STATE EMPLOYÉS — (*Continued*).

	PAGE.
Onondaga Salt Springs.....	331
Superintendent of Public Buildings	332
Factory Inspector	334
Board of Arbitration	335
Commissioners of the New Capitol.....	335
Agricultural Experiment Station	335
Chief of Ordnance	336
Officers of the Senate.....	336
Officers of the Assembly	337
Sing Sing prison.....	339
Auburn prison.....	340
Clinton prison	343
Elmira reformatory	344
Industrial School, Rochester.....	346
Willard asylum.....	347
Utica asylum	356
Middletown asylum	360
Binghamton asylum	363
Hudson River State Hospital	369
Buffalo asylum	372
House of Refuge for Women.....	374
Auburn asylum.....	374
Syracuse asylum	376
Custodial Asylum for Women.....	378
Batavia Asylum for the Blind.....	379
New York Institution for the Blind	380
Soldiers and Sailors' Home	381
Institution for Deaf-mutes New York.....	382
Le Couteulx St. Mary's Institution for Deaf-mutes, Buffalo, N. Y.	382
Institution for Deaf and Dumb, Malone, N. Y.	384
New York Board of Excise.....	384
Board of Commissioners of Emigration.....	386
Emigrant Hospital and Refuge, Ward's Island.....	387
House of Refuge, Randall's Island.....	389
Health Officer, Port of New York	391
Quarantine Commission.....	391
Board of Electrical Control, New York city	392
First District Court, New York city	392
Second District Court, New York city	393
Third District Court, New York city	393
Fourth District Court, New York city... ..	393
Fifth District Court, New York city.....	393
Sixth District Court, New York city	394
Seventh District Court, New York city.....	394
Eighth District Court, New York city ..	394
Ninth District Court, New York city	394
Tenth District Court, New York city.....	395
Eleventh District Court, New York city	395
First District Court, Brooklyn	398

ROSTER OF STATE EMPLOYÉS — (*Continued*).

PAGE

Second District Court, Brooklyn	395
Third District Court, Brooklyn	396
Board of Police Justices, New York city.....	396
Supreme Court, New York city.....	397
Superior Court, New York city.....	398
Court of Special Sessions.....	399
Court of Common Pleas, New York city	399
Court of General Sessions.....	400
City Court, New York city.....	401
City Court, Brooklyn.....	402

S.

SECRETARY OF STATE.

roster of employés of	321
-----------------------------	-----

SENATE.

officers of	336
-------------------	-----

SCHENECTADY.

report of mayor of.....	28
-------------------------	----

SCHEDULE B.

examinations	66
appointments	80

SCHEDULE C.

examinations.....	68, 71
appointments	82

SCHEDULE D.

examinations	72
--------------------	----

SHEPARD, EDWARD M.

letter from.....	118, 127
------------------	----------

SING SING PRISON.

roster of employés in.....	339
----------------------------	-----

SMITH, W. C.

letter to.....	133
----------------	-----

SOLDIERS.

rights of	34
indictment for refusing to employ	35
case of William Mitchell	36
and Sailors' Home, roster of employés in.....	381

STATE.

number of persons in Civil Service of.....	5
--	---

STATE MUSEUM.

roster of employés in	331
-----------------------------	-----

GENERAL INDEX.

515

STATE LIBRARY.

PAGE.

roster of employés in 330

STATE SERVICE.

summary of examinations in..... 15
improvements in 46
classification of..... 42
number of persons examined in..... 6
number of persons appointed in 7
number of removals made in..... 8
number of promotions made in 9
number of persons who passed examinations in..... 12
number of laborers in 14

STATUTES.

Civil Service 405

Summary of persons admitted to competitive examinations..... 88

SUPERINTENDENT PUBLIC BUILDINGS.

roster of employés of 332

SYRACUSE.

report of Civil Service board of..... 25
number of persons subject to Civil Service regulations in..... 5
number of persons examined..... 6
number of persons appointed..... 7
number of removals made 8
number of promotions made 9
number of persons who passed examinations..... 12
number of laborers..... 14
asylum, roster of employés in..... 376

T.

TABOR, CHARLES F.

letters to..... 104, 106, 125
letter from..... 110

TRANSFERS.

correspondence and action taken..... 31, 303

TREASURER.

roster of employés of 322

TROY.

number of persons subject to Civil Service regulations in..... 5
number of persons examined in..... 6
number of persons appointed in..... 7
number of removals made in..... 8
number of promotions made in..... 9
number of persons who passed examinations..... 12
number of laborers in..... 14

U.

UTIOA.

PAGE.

report of Civil Service board of.....	25
number of persons subject to Civil Service regulations in.....	5
number of persons examined in.....	6
number of persons appointed in.....	7
number of promotions made in	9
number of laborers in.....	15
asylum, roster of employés in.....	356

V.

VAN VALKENBURG, J.

letter to.....	114
----------------	-----

VIOLATIONS AND CORRECTIONS.

list of	87
---------------	----

W.

WATERTOWN.

report of mayor of.....	28
-------------------------	----

WEMPLE, EDWARD.

letters to	115, 122
------------------	----------

WHITE, Á. J.

letter to	107
-----------------	-----

WILLARD ASYLUM.

roster of employés in	347
-----------------------------	-----

WILKINSON, EDWARD W.

letter from.....	112
letter to.....	112

Y.

YONKERS.

report of mayor of.....	26
number of persons subject to Civil Service regulations in.....	5
number of persons examined in.....	6
number of persons appointed in.....	7
number of removals made in.....	8
number of promotions made in.....	9
number who have entered examinations	10
number who passed examinations	12
number of laborers in	14

INDEX TO DECISIONS AND OPINIONS.

	PAGE.
Action to declare U. S. Statute unconstitutional.....	248
APPOINTEE.	
compensation of illegal.....	208, 213
APPOINTMENTS.	
regulated by the President under U. S. Statute.....	278
AQUEDUCT COMMISSIONERS.	
employés of.....	165
ASSESSMENTS.	
political.....	240
BOARD OF CLAIMS.	
stenographer	271
BUFFALO.	
Civil Service rules	145, 203
construction of charter	145, 200, 203, 209, 213
CADET ENGINEER.	
removal of	249
CANALS.	
appointment of employés.....	176, 259
CHARTER OF BUFFALO.	
construction of	145, 200, 203, 209, 213
Charter of Poughkeepsie.....	237
CITIZEN.	
right of, to mandamus	145
CIVIL SERVICE LAW.	
Massachusetts, declared constitutional.....	289
(See statutes cited or construed, <i>ante.</i>)	
New York, declared constitutional	209
(See statutes cited or construed, <i>ante.</i>)	
Pennsylvania, declared constitutional	256
(See statutes cited or construed, <i>ante.</i>)	
United States, declared constitutional	244, 251
(See statutes cited or construed, <i>ante.</i>)	

CLAIMS, BOARD OF.	PAGE.
stenographer	271
Classification of employés by municipal authorities.....	220
CLERICAL SERVICES.	
what constitute.....	220
Commissioner's duty as to soldiers.....	275
Compensation of illegal appointee ..	208, 213
Civil Service examiners	145
CONGRESS.	
acts of. (See statutes cited or construed, <i>ante</i> .)	
discretionary power of.....	241
Constitutionality of New York Civil Service Law.....	209
Pennsylvania Civil Service Law	256
United States Civil Service Law	244, 251
United States Statute, action to determine	240
Demurrer on mandamus	231
DEPARTMENTS (U. S.).	
appointments in, regulated.....	278
ELECTRICAL CONTROL.	
Commissioners of.....	271
EMPLOYÉS.	
classification of, by municipal authorities	220
discipline of, by Congress	241
in Department of Public Works.....,	176, 190, 259
of New York city.....	165
removal of, under Pennsylvania Constitution	256
removal of United States	241
in State prisons	231
EXAMINER.	
compensation of Civil Service.....	145
surrogate acting as	277
GOVERNMENT OFFICIALS.	
discipline of	241
Health Inspectors.....	203, 213
Indictment for willfully neglecting to appoint.....	230
Inspector of lamps	220
Inspectors of health or streets	203, 209, 213
Lamp inspector.....,	220
MANDAMUS.	
to compel reappointment.....	231
petition for.....	209
procedure on... ..	231
right of citizen or taxpayer to.....	145

MASSACHUSETTS CIVIL SERVICE LAW.

PAGE.

(See statutes cited or construed, *ante.*)

rules 286, 293

NEW YORK CITY.

employés of 165

NEW YORK CIVIL SERVICE LAW.

(See statutes cited or construed, *ante.*)

NEW YORK CONSTITUTION.

(See Constitutional Provisions, *ante.*)

OATH.

official 203, 209

Official oath 203, 209

PENNSYLVANIA CIVIL SERVICE LAW.

(See statute cited or construed, *ante.*)

PENNSYLVANIA CONSTITUTION.

(See Constitutional Provisions, *ante.*)

Petition of right 251

for mandamus 209

Policeman not a public officer 256

Political assessments 240

POUGHKEEPSIE.

charter of 237

Civil Service rules 238

PUBLIC WORKS.

appointments by Superintendent of 176, 259

employés in Department of 176, 190, 259

REMOVAL.

restriction of power of 241

Restriction of power of removal 241

RIGHT.

petition of 243

ROCHESTER.

Civil Service rules 220

RULES, CIVIL SERVICE.

Buffalo 145, 203

Massachusetts 286, 293

Poughkeepsie 238

Rochester 220

SAILORS.

(See Soldiers and Sailors.)

SOLDIERS AND SAILORS.**PAGE.**

mandamus to compel reappointment	231
preference under Massachusetts rules.....	286, 293
preference under New York Statute..	160, 161, 209, 229, 237, 238, 269, 275
remedy of.....	275
when not removable... ..	237
willful neglect to appoint.....	230

STATE OFFICERS.

who are	271
---------------	-----

STATE PRISONS.

appointment of employés.....	231
------------------------------	-----

STENOGRAPHERS.

how classed.....	271
------------------	-----

Street Inspectors.....	203, 209, 213
------------------------	---------------

SUPERINTENDENT OF PUBLIC WORKS.

power of appointment	176, 259
----------------------------	----------

SUPERINTENDENT OF STATE PRISONS.

power of appointment.....	231
---------------------------	-----

SURROGATE.

acting as examiner	277
--------------------------	-----

TAXPAYER.

right of, to mandamus	145
right to prosecute	209

UNITED STATES CIVIL SERVICE LAW.(See statutes cited or construed, *ante.*)**UNITED STATES CONSTITUTION.**(See Constitutional Provisions, *ante.*)**VETERANS.**

(See Soldiers and Sailors.)

INDEX TO RULES AND REGULATIONS.

The Sign “§” refers to the section of the Statutes; the word “Rule” to the Civil Service Rules; the abbreviation “Reg.” to the General Regulations, and the word “Class,” to the Civil Service Classification.

AGE.	PAGE.
limits of, prescribed for positions in Schedule C.... Rule XXIII,	428
how to be determined..... Rule XXIV,	429
as fixed for positions in Schedule B.....	464
shall not apply to certain persons who have served in army or navy..... § 4 and Rule LXIV, 408,	437
ALBANY.	
examining boards and examinations at..... § 3,	407
rooms to be furnished Commission at..... § 4,	408
APPEALS, COURT OF. See “COURT OF APPEALS.”	
APPLICANTS FOR COMPETITIVE EXAMINATIONS.	
will receive ten days notice of examination Rule IX,	423
must obtain blank form prescribed by Commission,	
Rule X and Reg. 18, 423,	441
for positions in Schedule C..... Reg. 18,	441
will be admitted to examination only on production of official notification..... Reg. 21,	442
if in excess of number that can be examined, how to be notified,	
Rule XII,	424
APPLICATIONS.	
must for all positions, except in Schedule B, be made to the appointing officer..... Reg. 18,	441
for positions in Schedule B:	
must be made on oath and state certain information, and be accompanied by certificate of physician and vouchers of good character Rule X,	423
must state position sought..... Rule X,	423
if defective will be once returned for correction.... Rule XI,	424
when showing that applicant is manifestly unfit for the service, will be rejected..... Rule XI,	424
date of reception will be indorsed thereon..... Rule XII,	424
if contrary to 9th and 13th sections of act, will be rejected,	
Rule XXXVII,	435
false statements knowingly made therein will cause removal or discharge..... Rule XLI,	436
under no circumstances or conditions will be returned to applicant.....Reg. 20,	442

APPOINTMENTS (including "EMPLOYMENT").

POINTMENTS (including "EMPLOYMENT").	PAGE.
to be made by selection from those examined.....	§ 2, 405
probation before any, absolute.....	§ 2 and Rule XL, 405, 436
all, to be reported to and recorded by Commission,	
	§ 2 and Rule XLIII, 405, 436
none to be made after January 4, 1884, except under the Civil Service Rules.....	§ 7, 409
in cities to be made under regulations after August 29, 1884..	§ 8, 409
to positions in Schedule A, without examination.....	Rule VI, 421
to positions in Schedule B, by competition.....	Rule VIII, 422
to positions in Schedule B, methods of selection.....	Rule XVII, 425
to positions in Schedule C, by either of three methods in discretion of appointing officer.....	Rule XXI, 428
to positions in Schedule D, by non-competitive examination,	
	Rule XXVIII, 431
to positions in Schedule E, may be made where there is no person fit for promotion.....	Rule XXXI, 433
temporary and only of persons eligible to permanent,	
	Rule XXXIV, 434
none, except of citizens resident for one year in this State, but this is not applicable to certain lower positions and may be suspended as to the higher ones.....	Rule XXXV, 435
not to be affected by the partisan political opinions or affiliations of the appointee.....	Rule XXXVI, 435
in selections for, appointing officer may summon certified candidates and require additional certificates of character,	
	Rule XVII, 425
to be reported to Comptroller or other fiscal officer, paying account for services.....	Rule XLIII, 436
to be published in gazette by Commission.....	Rule XLVI, 438
must not be influenced by any examiner or person serving under Commission	Reg. 11, 441
preference in, to be given to those honorably discharged from army or navy of United States in the late war.....	§ 4, 408
in cities to be made by regulations after August 29, 1884.....	§ 8, 409

APPROPRIATION.

for purposes of the Civil Service Act..... §§ 4, 17 and 6, 408, 413, 418

ARMY.

persons honorably discharged from, to have certain preferences	
for appointment.....	§ 4, Rule XVII, 408, 425
statement of, to be made in application.....	Rule X, 423
to be preferred in notification.....	Rule XII, 424
to be indicated in certificate for selection.....	Rule XVII, 425

ARSENALS. See "JANITORS;" "KEEPERS."

ASSEMBLY, MEMBERS OF.

no recommendation of persons, except as to residence and
character, can be received from..... § 9, 410

INDEX TO RULES AND REGULATIONS.

523

ASSESSMENTS, POLITICAL.

no person in public service under any obligation to pay..... § 2,	405
no person in public service to induce or compel any other officer to pay..... § 11,	410
no person to enter any public building to make, nor send nor present to any public officer, agent or employé..... § 11,	410
penalties for violation of laws in regard to § 12,	411

ASSISTANTS, same as "DEPUTIES," which see.

ASYLUMS.

treasurers of, classified	Class I,	446
treasurers of, included in Schedule A.....	Rule V,	420
classification of officers and employés in.....	Class VII,	450
teachers in, included in Schedule B.....	Rule VII,	421
teachers in, scheme of examination for.....		467
superintendents, physicians, pathologists, stewards and matrons of, in Schedule C.....	Rule XX,	426
attendants, orderlies, nurses and others included in Schedule D,	Rule XXVII,	430
supervisors of wards in, in Schedule E.....	Rule XXX,	432
temporary appointments in, for thirty days.....	Rule XXXIV,	434

ATTENDANTS. See "ASYLUMS."

ATTORNEY-GENERAL.

deputies and confidential clerk of, included in Schedule A,	Rule V,	420
---	---------	-----

BANKING DEPARTMENT.

deputy and special examiners in, included in Schedule A,..	Rule V,	420
--	---------	-----

BOARD OF EXAMINERS. See "EXAMINERS."

BOARD OF CHARITIES.

secretary of, included in Schedule A.....	Rule V,	420
---	---------	-----

BOARD OF HEALTH.

secretary of, included in Schedule A.....	Rule V,	420
sanitary experts in, classified	Class II,	447
sanitary experts in, included in Schedule C.....	Rule XX,	426

BOTANISTS.

classified.....	Class II,	447
included in schedule C.....	Rule XX,	426

BLANK FORMS. See SPECIAL INDEX on page 479.

BRIBERY.

certain practices defined as, and made penal.....	§ 14,	411
---	-------	-----

BUILDINGS, PUBLIC. See "PUBLIC BUILDINGS."

CANALS.

engineers, levelers and rodmen on, classified	Class IV,	449
schemes of examinations for additional assistant engineers and rodmen on		468

CHAPLAINS. See "PRISONS."

PAGE

CHARACTER, MORAL.

certificates of,

to be published by applicants in prescribed form.... Rule X, 423

may be published..... Rules X and XLIV, 423, 437

additional, may in certain cases be required.... Rule XVII, 425

all, to be filed with the Commission,

Rules XVII and XXIII, 425, 428

by nominating officer to be an essential factor in an examination..... Rule XXV, 429

to be ascertained and certified Rules XXIII and XXIX, 428, 431

persons bad, may be stricken from eligible list..... Rule XIX, 426

CHARITIES, BOARD OF. See "BOARD OF CHARITIES."

CHEMISTS.

classified..... Class II, 447

included in Schedule C Rule XX, 426

CHIEF EXAMINER. See "EXAMINER, CHIEF."

CITIES.

mayors of, authorized and directed to prescribe the regulations for admission to service of..... § 8, 409

may select examiners and establish regulations for the conduct of persons in the service..... § 8, 409

regulations prescribed by mayors must conform in certain respects to the State regulations..... § 8, 409

are to take effect upon approval by the Civil Service Commission..... § 8 409

commission may inquire concerning service, methods of appointment, removal, etc., in..... § 15, 412

regulations prescribed and examiners appointed by— before May 29, 1884, approved and confirmed 419

CITIZENSHIP.

a necessary qualification for all appointees with specified exceptions..... Rule XXXV, 435

CIVIL ENGINEERS. See "ENGINEERS;" "CANALS."

CIVIL SERVICE OF THE STATE.

defined by classification..... § 6 and Rule I, 408, 419

shall not include elective officers, those appointed by the Governor with consent of the Senate, nor laborers or workmen § 7, 409

positions in, to be enrolled in certain Schedules Rule IV, 420

complete classification of..... 446

CLASSES.

in the civil service defined 451

INDEX TO RULES AND REGULATIONS.

525

CLASSIFICATION OF CIVIL SERVICE.

PAGE.

all places to be filled by examination after	405
to be made by the Governor before September 5, 1883	408
after being made, no one to be appointed after January 4, 1884, except after examination..... § 7,	409
to be known as the "Civil Service"	Rule I, 419
complete, as approved by the Governor, September 3, 1883.....	446

CLERKS. Also, see "CLERKSHIPS."

to be classified in the civil service	§ 6, 408
must not be concerned in political assessment nor permit persons to enter public offices to solicit them	§ 11, 410
first, second and third grades of, included in Schedule B, Rule VII,	421
in State prisons included in Schedule C	Rule XX, 426
fourth to seventh grades of, included in Schedule E..	Rule XXX, 432
certain, included in Schedule A	Rule V, 420

CLERKSHIPS. Also, see "CLERKS."

schemes for examination for several grades of	464
special regulations for examinations for.....	476

COERCION.

of political action by official authority denied, § 2 and Rule III, 405,	420
made penal as "bribery"	§ 14, 411

COMMISSION, CIVIL SERVICE.

how appointed and removed..... §§ 1, 17, 405,	413
salaries of, and how expenses of paid..... §§ 1, 17, 405,	413
duties of	§ 2, 405
notices of appointment and to be made to, § 2 and Rule XLIII, 405,	486
to make regulations, etc., for examinations	§ 2, 405
to report all exceptions from the rules.....	§ 2, 405
to supervise and investigate enforcement of rules.....	§ 2, 405
to make annual report to the Legislature	§ 2, 405
may employ a chief examiner, secretary and others.....	§ 3, 407
may select members of boards of examiners, § 3, Rules XIII and XXVI, 407, 424,	430
what is deemed a misdemeanor by member of	§ 5, 408
on approval of, shall mayor's regulations be operative.....	§ 8, 409
may inspect and report examinations for municipal service..	§ 8, 409
a majority of, shall constitute a quorum.....	§ 13, 411
shall immediately make certain inquiries.....	§ 15, 412
may secure attendance of witnesses and evidence.....	§ 16, 413
appointing officers must inform of all appointments in Schedule A.....	Rule VI, 421
shall designate times and places for examinations.....	Rule IX, 423
may issue special regulations for examinations.....	Rule IX, 423
shall prescribe blank forms for applications.....	Rule X, 423

COMMISSION, CIVIL SERVICE — (*Continued*).

PAGE

shall record all applications.....	Rule XII,	424
shall direct chief examiner to prepare lists of subjects,	Rule XIV,	424
to certify name for selection for appointment.....	Rule XVII,	425
to give certificates of qualification in certain cases..	Rule XXIII,	428
shall consult heads of departments as to scope of examination,		
	Rule XXVI,	430
duties of, in regard to non-competitive examinations,	Rule XXV,	429
may appoint examiners and provide for examinations for positions		
in Schedule D.....	Rule XXVIII,	431
temporary appointments must be reported to.....	Rule XXXIV,	434
may make exceptions from restrictions as to citizenship and		
residence	Rule XXXV,	435
shall discountenance disclosure of political opinions by those		
examined or applying.....	Rule XXXIX,	435
all changes in the service to be reported to.....	Rule XLIII,	436
may publish a gazette of appointments, etc.....	Rule XLVI,	438
may make appropriate regulations, etc.....	Rule XLVII,	438
will give examiners expert aid when necessary.....	Reg. 8,	440
reserves the right to correct markings by examiners....	Reg. 25,	442
cannot advise persons as to vacancies, etc.....	Reg. 19,	442
cannot undertake to answer inquiries relating to cases not		
officially before it... ..	Reg. 37,	446
may order necessary stationery, printing, etc.....	§ 4,	408
to provide in regulations for cities the exemption from examina-		
tion of certain elective officers, subject to provisions of chapter		
410, Laws of 1884.....	§ 8,	409

COMMISSIONERS OF EMIGRATION.

secretary of, included in Schedule A	Rule V,	420
classification of those employed by.....	Class VII,	450
medical superintendent of, included in Schedule C... ..	Rule XX,	426

COMPENSATION. Also, see "SALARY."

by the day, week or month, how rated for purposes of classifica-		
tion		451
before account for same is rendered, notice of appointment or		
promotion must be given to the paying officer....	Rule XLIII,	436

COMPETITIVE EXAMINATIONS. See "EXAMINATIONS."

COMPTROLLER OF STATE.

shall direct method of accounting for salaries and expenses of		
the Commission	§§ 4, 17,	408, 413
deputy and confidential clerk of, included in Schedule A,		
	Rule V,	420
all appointments and promotions must be reported to, before		
payment of salaries	Rule XLIII,	436

CONFIDENTIAL CLERKS.

included in Schedule A	Rule V,	420
------------------------------	---------	-----

INDEX TO RULES AND REGULATIONS.

527

COUNTIES.

PAGE.

- inquiries as to certain points of service in, authorized..... § 15, 412
- inquiry as to compensation of officers of, may be made..... § 15, 412

COURT OF APPEALS.

- clerk, deputy clerk and reporter of, classified..... Class I, 446
- clerk, deputy clerk and reporter in Schedule A..... Rule V, 420

COURTS.

- criers, attendants and marshals of, classified..... Class III, 448
- criers, attendants and marshals of, in Schedule C... Rule XX, 426
- clerks of. See "CLERKS."

CURATORS. See "MUSEUMS."

DEATHS.

- of persons in the service, to be reported to the Commission,
Rule XLIII, 436

DEPUTIES OF PRINCIPAL OFFICES.

- classified..... Class I, 446
- included in Schedule A. Rule V, 420
- not recognized as such, unless authorized by law 451

DIRECTORS. See "MUSEUMS."

DISCHARGE. Also see "REMOVALS."

- of persons in the service, to be reported to Commission,
Rule XLIII, 436

EDUCATIONAL DEPARTMENT IN CITIES.

- persons employed in, or seeking to enter, exempt from examination
tion § 8, 409

ELECTIONS, OFFICERS OF.

- now in office and poll clerks exempted from examination, subject
to chapter 410, Laws of 1884..... § 8, 409

ELECTIVE OFFICERS.

- not to be classified in the civil service § 7, 409
- in cities not subject to examination..... § 8, 414

ELIGIBLE CANDIDATES (Schedule B).

- no person whose standing on any subject is less than 50, or
whose general standing is less than 70, to be placed on, Rule XV, 425
- how placed upon the register..... Rule XVI, 425
- selections for appointment to be made from the three persons
whose names stand at the head of..... Rule XVII, 425
- when none are on, sufficiently qualified in optional subjects, a
new examination may be held..... Rule XVII, 425
- no person on, to be certified more than three times to any appoint-
ing officer, except at his request..... Rule XIX, 426
- none to remain on list of, more than one year..... Rule XIX, 426
- persons of bad character may be stricken from list of.. Rule XIX, 426

EMPLOYMENT. Same as "APPOINTMENT."

PAGE.

EMPLOYÉ, PUBLIC.

protected from political coercion	§ 8,	409
term defined.....	§ 8,	409

ENGINEERS, CIVIL.

not employed on canals, classified	Class II,	447
scheme of examination for additional, on canals		468

ENGINEER AND SURVEYOR, STATE. See "STATE ENGINEER AND SURVEYOR."**ENGINEERS IN SALT WORKS.**

chief, classified.....	Class V,	449
included in Schedule C	Rule XX,	426
subordinate, classified	Class V,	449
included in Schedule C	Rule XX,	426

ENTOMOLOGISTS.

classified.....	Class II,	447
included in Schedule C	Rule XX,	426

EXAMINATIONS, COMPETITIVE. Also, see "SUBJECTS."

shall be open for testing fitness	§ 2,	405
shall be practical in character.....	§ 2 and Rule IX, 405,	423
selections to be made from those grades, and highest in,	§ 2 and Rule XVII, 405,	425
regulations for, to be made by the Commission,	§ 2 and Rule XLVII, 405,	438
boards of examiners for, how selected... § 3 and Rule XIII, 407,		424
may be held at other places than Albany	§ 3,	407
penalties for wrong and corrupt marking in.....	§ 5,	408
classification of service for purposes of, ordered... ..	§ 6,	408
all positions to be filled by, included in Schedule B ... Rule VII,		421
may be held at times and places designated by Commission,	Rule IX,	423
ten days notice of, to be mailed to applicants	Rule IX,	423
form of application to be admitted to	Rule X,	423
list of subjects for, to be prepared by chief examiner..	Rule XIV,	424
minimum standing on, for eligibility	Rule XV,	425
names of those who have passed to be entered upon a register in		
order of standing	Rule XVI,	425
method of selection for appointment from eligible list,	Rule XVII,	425
physical qualifications in certain cases to be tested..	Rule XVIII,	426
no one to be admitted to, within one year after examination,	Rule XIX,	426
may be required for positions in Schedule C	Rule XXI,	428
for positions in Schedule C, how conducted.....	Rule XXII,	428
no question in, shall refer to political opinions,	§ 13 and Rule XXXIX, 411,	425

INDEX TO RULES AND REGULATIONS.

529

EXAMINATIONS, COMPETITIVE — (*Continued*).

PAGE.

when impractical, provisional appointments may be made,	Rule XLII,	436
regulations as to examiners for.....	Regs. 5 to 35,	440
complaints of injustice in.....	Reg. 15,	441
papers in, may subsequently be inspected by candidates, Reg. 14,		441
application for admission to.....	Rule X and Reg. 18,	441
general, as to marking and grading.....	Rule 26-30,	430
priority of date in, gives no advantage.....	Reg. 32,	444
public buildings may be used for.....	§ 3 and Reg. 16,	441
schemes of examinations for.....		464
instruction to examiners for holding.....		471
special regulations for.....		476

EXAMINATIONS — LIMITED COMPETITION.

appointments may be made by, for positions in Schedule C,	Rule XXI,	428
certificate of character required of nominees for	Rule XXII,	428
how to be conducted.....	Rule XXV,	429

EXAMINATIONS — NON-COMPETITIVE. Also, see "SUBJECTS."

may be had when competition is impracticable.....	§ 2,	405
positions in Schedule C may be filled by.....	Rule XXI,	428
what qualifications are to be ascertained by.....	Rule XXIII,	428
limit of age and scope of, how to be regulated.....	Rule XXIV,	429
how and by whom held.....	Rule XXV,	429
positions in Schedule D to be filled by.....	Rule XXVIII,	431
how to be conducted for Schedule D.....	Rule XXVIII,	431
what qualifications are to be ascertained by, in Schedule D,	Rule XXIX,	431
no question as to partisan opinions to be asked in,	§ 13 and Rule XXXIX,	435
may be held for provisional appointments in Schedule B,	Rule XLII,	436
general regulations as to conduct of.....	Regs. 5-9, 33-35,	444
applications for, to be made to appointing officer.....	Reg. 18,	441
regulations for examiners in making.....	Regs. 33-35,	444
schemes of qualification for, when to be prepared.....	Reg. 39,	446
schemes of examination.....		464

EXAMINATIONS FOR PROMOTION. See "PROMOTION."

EXAMINER, CHIEF, OF CIVIL SERVICE.

how appointed, general duties and salary.....	§ 3	407
shall prepare lists for subjects for competitive examinations,	Rule XIV,	424
shall supervise preparation of proper questions and other inquiries for non-competitive examinations.....	Rule XXV,	429
general duties of.....	Regs. 1, 2,	439
shall issue authority for holding examinations for positions in Schedules B and C.....	Reg. 6,	440
classified.....	Class I,	446
included in Schedule A.....	Rule V,	429

EXAMINERS, BOARDS OF.**PAGE.**

to be selected and designated by Commission	§ 3	407
when selected from those in civil service..	§ 3 and Rule XIII.	407, 424
penalties for malfeasance by members of.....	§ 5,	408
for positions in Schedule B	Rule XIII,	424
for positions in Schedules C and D	Rule XXVI,	430
may be commissioned to examine for schedules	Rule XXVI,	430
may certify qualifications of persons examined for positions in Schedule D	Rule XXVIII,	431
nominations for such positions may be made to ..	Rule XXVIII,	431
general regulations regarding all	Regs. 5, 17,	440
general regulations regarding those for Schedule C.....	Reg. 33,	444
general regulations regarding those for Schedule D	Reg. 34,	445
special, may be selected by Commission,		
	Rule XXVI and Reg. 10,	430, 445
to report all violations of section 5 of Civil Service Act,		
	Rule XXVI,	430
members of, not in official service to receive a compensation of five dollars per day.....		407
general instructions to, for competitive examinations		471

EXCEPTIONS FROM EXAMINATION.

must be reported by Commission to Legislature, with reasons, § 2,	405
included in Schedule A, giving positions.....	Rule V, 420

FEES.

of witnesses summoned before Commission.....	§ 16,	413
--	-------	-----

FIREMEN.

in State service,		
classified.....	Class III,	448
included in Schedule D.....	Rule XXVII,	430
in city service,		
legal rights of, reserved.....	§ 8,	409

FORMS, BLANK. See SPECIAL INDEX on page 479.**GAME AND FISH PROTECTORS.**

classified	Class I,	446
included in Schedule A.....	Rule V,	420

GAZETTE.

of positions filled by special or " optional " attainments,		
	Rule XVII,	425
of all appointments, promotions, etc., to be published,		
	Rule XLVI,	438

GEOLOGIST.

Classified	Class II,	447
included in Schedule C.....	Rule XX,	426

INDEX TO RULES AND REGULATIONS.

531

GOVERNOR.

PAGE.

may appoint and remove Civil Service Commissioners..... § 1,	405
Civil Service Commission to aid, in preparing rules, etc..... § 2,	405
shall classify the civil service of the State..... § 6,	408
Civil Service rules promulgated by.....	419
classification of Civil Service approved by.....	446
officers and clerks under, included in Schedule A..... Rule V,	420
to decide differences between Commission and heads of departments Rule XXIV,	429

GRADES.

of subdivision in classified service defined.....	451
---	-----

GRADING.

of examined candidates, how to be made..... Reg. 29,	443
--	-----

GUARDS. See "PRISONS."

HEALTH. See "PHYSICAL CONDITION."

Board of. See "BOARD OF HEALTH."

HOSPITALS, same as "ASYLUMS."

HOUSE OF REFUGE, same as "REFORMATORY."

INQUIRIES AND INVESTIGATIONS.

certain, to be made by the Commission..... §§ 2 and 15, 405,	412
witnesses, may be summoned in, by subpoena..... § 16,	413
witnesses, fees of, allowed, and how paid..... § 16,	413
witnesses, fees of, appropriation to pay..... § 6,	414

INSPECTORS OF ELECTIONS.

exempted from examination, subject to provisions of chapter 410, Laws of 1884.....	§ 8, 414
---	----------

INSPECTORS.

of salt and barrels, See "ONONDAGA SALT WORKS."

INSURANCE DEPARTMENT.

deputy, chief clerk, actuary and private secretary in, included in Schedule A.....	Rule V, 420
---	-------------

JANITORS.

of public buildings, arsenals, etc., classified..... Class III,	448
of public buildings, arsenals, etc., included in Schedule D, Rule XXVII,	430

JUDGES OF COURTS.

no recommendation by, except as to character or residence of applicant, can be received.....	§ 9, 410
---	----------

KEEPERS. Also, see "PRISONS;" "REFORMATORIES."

of public buildings and arsenals, classified..... Class III,	448
of public buildings and arsenals; included in Schedule D, Rule XXVII,	430

LABORERS.**PAGE.**

not to be classified under the rules..... § 7, 409

LIBRARIANS,

classified..... Class II, 447

included in Schedule C Rule XX, 426

LIMITED COMPETITION. See "COMPETITION."**MARKING.**

of examination papers, how to be made..... Regs. 26-28, 443

may be revised by the Commission..... Reg. 15, 441

if below fifty on any subject, further marking may be dropped,

Reg. 29, 443

of nominees to positions in Schedule C Reg. 33, 444

of nominees to positions in Schedule D..... Reg. 34, 445

MARSHALS.

of courts, and other, classified..... Class III, 448

of courts, and other, included in Schedule C..... Rule XX, 426

MATRONS. See "ASYLUMS;" "REFORMATORIES."**MAYORS. See "CITIES."****MECHANICS, EXPERT.**

in prisons and reformatories, classified..... Class VI, 449

in prisons and reformatories, included in Schedule D,

Rule XXVII, 430

in asylums, etc., classified..... Class VII, 450

in asylums, etc., included in Schedule D..... Rule XXVII, 430

MESSENGER OF COMMISSION.

how appointed and salary..... § 3, 407

MESSENGER.

classified..... Class III, 448

included in Schedule B..... Rule VII, 421

scheme of examination for..... 466

MILITARY SERVICE. See "ARMY;" "NAVY."**MINIMUM STANDARD.**

of attainment in competitive examinations is fifty on each

obligatory subject and seventy on the ascertained average of

all such subjects Rule XV, 425

those who have passed at, and above to be placed upon a register

or eligible list..... Rule XVI, 425

MUSEUMS.

directors or curators of, classified..... Class II, 447

directors or curators of, included in Schedule C Rule XX, 426

INDEX TO RULES AND REGULATIONS.

533

NAVY.

PAGE.

person honorably discharged from service of U. S., in late war, entitled to certain preference.....	§ 4 and Rule XLIV, 408,	437
statement of service in, to be made in application.....	Rule X,	423
persons honorably discharged from, etc., to have preference in notification for examination	Rule XII,	424
persons honorably discharged from, etc., to be indicated on certificate for selection, and preferred	Rule XVII,	425

NOMINATION.

for non-competitive examination, Schedule C,	Rules XXI and XXV, 428,	429
for non-competitive examination, must be accompanied by certificate of character	Rule XXIII,	428
must not be influenced by examiner or other person serving under Commission.....	Reg. 11,	441

NON-COMPETITIVE EXAMINATION. See "EXAMINATION."

NURSES. See "ASYLUMS."

OBLIGATORY SUBJECTS. See "SUBJECTS," ETC.

OFFICERS, PUBLIC.

their duty to aid in carrying the Civil Service rules into effect, § 2,		405
must not use authority or influence to coerce the political action of any person or body	§ 2,	405
must report to the Commission all appointments, employments, rejections, transfers, resignations and removals, with dates thereof	§ 2 and Rule XLIII, 405,	436
must report all appointments or employment of persons to the Comptroller or other officer authorized by law to pay account for services	Rule XLIII,	436
their action in respect to the execution of the Civil Service Act to be investigated by the Commission	§ 2,	405
to allow the use of public buildings for holding examinations, and to facilitate the same	§ 3,	407
to be classified in the Civil Service	§ 6,	408
none classified, to be appointed after January 4, 1884, except as provided by the rules	§ 7,	409
those elected or appointed by the Governor with consent of the Senate not to be classified	§ 7	409
no recommendation of certain, except as to character or residence of applicant to be received	§ 9,	410
shall not compel or induce those in public service to pay political assessments	§ 11,	410
shall not be guilty of certain acts defined as bribery by the act,	§ 14,	411
the term "public officer" defined.....	§ 14,	411

OFFICERS, CITY. See "CITIES."

OFFICERS, COUNTY. See "COUNTY."

ONONDAGA SALT WORKS.

PAGE.

deputy superintendent of, classified	Class I,	446
deputy superintendent of, included in Schedule A.....	Rule V,	420
classification of subordinates in the	Class V,	449
subordinates of, in Schedule C	Rule XX,	426
subordinates in Schedule D	Rule XXVII,	430
subordinates in Schedule E.....	Rule XXX,	432

OPINIONS. See "POLITICAL OPINIONS."

OPTIONAL SUBJECTS. See "SUBJECTS," ETC.

ORDERLIES.

in public buildings, classified	Class III,	448
in public buildings, included in Schedule B.....	Rule VII,	421
in public buildings, scheme of examination for		466
in asylums. See "ASYLUMS."		

OVERSEERS.

of pumps. See "ONONDAGA SALT WORKS."

PARTISAN.

opinions. See "POLITICAL OPINIONS."

PATHOLOGIST. See "ASYLUMS."

PENALTIES.

for malfeasance by any commissioner, examiner, etc	§ 5,	408
for violating laws in regard to political assessments	§ 12,	411
for bribery as defined by the act	§ 14,	411

PHYSICAL CONDITION.

of applicants, to be certified formally... ..	Rule X,	423
of applicants, when of prime importance to be specially certified,	Rule XVIII,	426
of nominees for non-competitive examination to be certified,	Rule XXIII and XXIX,	428, 431

PHYSICIANS. See "ASYLUMS;" "PRISONS;" "REFORMATORIES."

certificate of, as to physical condition of applicants
 Rule X, | 423 |

POLICEMEN.

in cities, certain legal rights of, reserved
 § 8, | 409 |

POLITICAL ASSESSMENTS. See "ASSESSMENTS."

POLITICAL FUND. See "ASSESSMENTS."

POLITICAL OPINIONS OR AFFILIATIONS.

must not be referred to in any recommendation or question,	§ 13 and Rule XXXIX,	411
no regard must be paid to, in selection, appointment or promotion.....	Rule XXXVI,	435

INDEX TO RULES AND REGULATIONS. **535**

POLITICAL SERVICE OR ACTION.	PAGE.
no one under any obligation to render § 2 and Rule II,	405
can not be coerced by bribery or threats, or attempt to do so, without incurring a penalty..... § 14,	411
declaration that no one has a right to coerce..... Rule III,	420
POLL-CLERKS.	
of election exempt from examination, subject, however, to pro- visions of chapter 410, Laws of 1884 § 8,	414
PORTERS AND PORTERESSES.	
in public buildings classified..... Class III,	448
in public buildings, included in Schedule D Rule XXVII,	430
PRINCIPALS — NORMAL SCHOOLS.	
classified..... Class II,	447
included in Schedule A Rule V,	420
PRISONS.	
clerk of Superintendent of, included in Schedule A..... Rule V,	420
agents, wardens and subordinates in, classified..... Class VI,	421
guards in, included in Schedule D..... Rule XXVII,	430
wardens, agents, physicians and matrons included in Schedule C, Rule XX,	426
keepers in, included in Schedule E..... Rule XXX,	432
temporary appointments in, for thirty days..... Rule XXXIV,	435
clerks of prisons included in Schedule C..... Rule XX,	426
PROBATION.	
necessary before any absolute appointment in Civil Service, § 2 and Rule XL, 405,	436
shall be for a term of three months, during which the conduct and capacity will be observed Rule XL,	436
if satisfactory, absolute appointment will be made..... Rule XL,	436
PROMOTIONS.	
shall be made on the basis of merit and competition..... § 2,	405
no one to receive, after January 4, 1884, unless examined, § 7 and Rule XXXII, 409,	433
positions to be filled by, included in Schedule E, Rules XXX and XXXI, 432,	433
to be made by appointing officer and by successive grades, Rule XXXI,	433
to be by selections from without the service, if none in the inferior grades are fit Rule XXXI,	433
• to be based upon positive merit and superior qualifications as shown by previous service..... Rule XXXII,	433
for purposes of, records of efficiency and conduct are to be kept in all public offices..... Rule XXXII,	433
examinations for, how to be conducted..... Rule XXXII,	433

PROMOTIONS — (Continued).**PAGE.**

must not be made from one subdivision or class to another, except by examination and certification.....	Rule XXXVII,	435
in making, no regard to be paid to partisan opinions, etc.,	Rule XXXVI,	435
every, to be reported to the Commission.....	Rule XLIII,	436
every, to be reported to the Comptroller or other officer paying account for services	Rule XLIII,	436
every, to be published by the Commission.....	Rule XLVI,	436
recommendations for, by persons not in the service, to be disre- garded	Rule XXXIII,	433

PUBLICATION.

of changes in schedules whenever made	Rule IV,	420
of gazette, of appointments, etc., in the service. ...	Rule XLVI,	438
of certificates of character, when expedient.....	Rule XLVI,	438

PUBLIC BUILDINGS.

trustees of, to assign and furnish proper rooms at Albany for the use of the Commission	§ 4,	408
all, outside of Albany, may be used for Civil Service examina- tions	§ 3,	407
superintendent of, classified.....	Class I,	446
superintendent of, included in Schedule A.....	Rule V,	420
subordinates employed in, classified.....	Class III,	448
subordinates employed in, included in Schedule C.....	Rule XX,	426
orderlies in. See "ORDERLIES."		

PUBLIC EMPLOYÉ. See "EMPLOYÉ, PUBLIC."**PUBLIC INSTRUCTION.**

deputy superintendent of, included in Schedule A.	Rule V,	420
--	---------	-----

QUALIFICATIONS.

physical and moral, of applicants, to be certified.....	Rule X,	423
where special or "optional" are required in positions in Sched- ule B, they must be specially published	Rule XVII,	425
physical, of applicants, may be required to be specially certified,	Rule XVIII,	426
all positions of, recognized special, classified.....	Class II,	447
all positions of, recognized special, included in Schedule C,	Rule XX,	426
special, of competitors in Schedule C, to be published,	Rule XXII,	428
classes of, for positions in Schedule C, given.....	Rule XXIII,	428
for determining, for positions in Schedule C, the head of the department to be consulted.....	Rule XXIV,	429
same classes of, for Schedule D as Schedule C.....	Rule XXIX,	431
superior, and positive merit to govern in making promotions,	Rule XXXII,	433
boards of examiners may have expert aid when ascertaining special	Reg. 8,	440
register of, and subjects for examinations.....		464

INDEX TO RULES AND REGULATIONS.

537

QUARANTINE HOSPITALS.

PAGE.

- medical inspector of, classified Class II, 447
- medical inspector of, included in Schedule C..... Rule XX, 426

QUORUM.

- of Commission, to be a majority of its members..... § 15, 412

RAILROAD COMMISSION.

- secretary of, included in Schedule A..... Rule V, 420

RECEIVERS OF SALT DUES.

- classified..... Class V, 449
- included in Schedule E..... Rule XXX, 432

RECOMMENDATIONS.

- for place by certain public officers, except as to character and residence shall not be received..... § 9, 410
- shall not relate to political opinions or affiliations,
§ 13 and Rule XXXVIII, 411, 435
- of character of applicants shall be certified by not less than three nor more than five reputable citizens..... Rule X, 423
- for promotion, made by persons not in service to be disregarded,
Rule XXXIII, 434
- employé may be required to show that such, by outside persons were not procured by him Rule XXXIII, 434

RECORDS OF COMMISSION.

- shall contain notes of all examinations..... § 2, 405
- shall comprise a complete roster of all persons in the service and all changes therein § 2, 405
- shall be under charge of the Secretary ... Reg. 3, 439

REFORMATORIES.

- general classification of persons in..... Class VI, 449
- superintendents, physicians, chaplains and principal matrons in, included in Schedule C Rule XX, 426
- keepers in, included in Schedule E..... Rule XXX, 432
- guards in, included in Schedule B..... Rule VII, 421
- guards in, scheme of examination of..... 467
- all others in, included in Schedule D..... Rule XXVII, 430
- teachers in, included in Schedule B..... Rule VII, 421
- teachers in, scheme of examination for..... 467
- temporary appointments in, for thirty days..... Rule XXXIV, 434

REGISTER.

- of applicants in order of reception..... Rule XII, 424
- of eligible candidates, how to be prepared..... Rule XVI, 425
- certificate from, for selection..... Rule XVII, 425
- no person on, shall be certified to same officer more than three times, except by his request..... Rule XIX, 426
- no person shall remain on, longer than one year..... Rule XIX, 426

REGULATIONS.

PAGE

under the rules may be made by Commission..... § 2 and Rule XLVII,	438
special, for examinations, will be issued by Commission when expedient..... Rule IX,	423
code of general, by the Commission.....	
for admission to service of cities, must be prescribed by mayors thereof.....	409
for admission in cities issued before May 29, 1884, ratified.....	407

REMOVAL.

of persons from service to be reported to the Commission.... § 2 and Rule XLIII, 405,	436
the power of, vested by law in any officer not impaired by the rules..... Rule XLV,	437
of all persons in service to be published in gazette.. Rule XLVI,	438

REPORT OF COMMISSION.

must be made annually to the Legislature..... § 2,	405
shall include all exceptions from examinations with the reasons thereof..... § 2	405
shall contain all matters touching the enforcement of the Civil Service Act..... § 2,	405
shall contain copies of regulations issued by the mayors of cities and the character and practical effect to the same..... § 8,	409
shall show any exceptions from certain restrictions, Rule XXXVI,	435
shall report provisional appointments in Schedule B by non-competitive examination..... Rule XLII,	436

RESIDENCE.

in State one year essential to appointment or employment in Civil Service..... Rule XXXV,	436
---	-----

RESIGNATIONS.

of persons from the service to be reported to Commission,	
Rule XLIII,	436
of persons from the service to be published by Commission,	
Rule XLVI,	438

RESPONSIBILITY, OFFICIAL.

in making appointments is in appointing officer subject only to qualification prescribed by the rules..... Rule XLV,	437
--	-----

RULES FOR THE CIVIL SERVICE.

the Commission to aid Governor in preparing..... § 2,	405
when promulgated, shall be binding on all officers..... § 2,	405
shall provide and declare certain things..... § 2,	405
necessary exceptions from, to be reported by the Commission with reasons therefor..... § 2,	405
practical effect of, to be reported by Commission..... § 2,	405
may direct examinations to be held outside of Albany..... § 3,	407

INDEX TO RULES AND REGULATIONS.

539

RULES FOR THE CIVIL SERVICE — (*Continued*).

PAGE.

right of examination under, if obstructed or defeated..... § 5,	408
after promulgation of, after January 4, 1884, no person shall be appointed or promoted except under § 7,	409
prepared by the Commission and approved and promulgated by the Governor..... Rules I to XLVII,	438

SANITARY EXPERTS.

classified..... Class II,	447
included in Schedule C Rule XX,	426

SALARY.

of Civil Service Commissioners § 1,	405
of chief examiner, secretary, etc § 3,	407
promise or threats of increase or decrease in, is made penal as "bribery" in certain cases..... § 14,	411
when by day, week or month, how computed for the purpose of classification.....	451

SALT WORKS. See "ONONDAGA SALT WORKS."

SCHEDULE A.

positions included in..... Rule V,	420
appointments to positions in, how made..... Rule VI,	421
appointments to positions in, to be reported to Commission, Rule VI,	421

SCHEDULE B.

positions included in..... Rule VII,	421
applications for positions in, how made.... Rules X and XI, 423,	424
examinations for positions in..... Rules XII to XVI,	424
selections to fill vacancies, how made..... Rule XVII,	425
methods of marking and grading for..... Regs. 26-29,	443
schemes of examination for.....	464

SCHEDULE C.

positions included in..... Rule XX,	426
appointments to, how made..... Rules XXI and XXV, 428,	429
competitive examinations for..... Rule XXII,	428
non-competitive examinations for..... Rule XXIII,	428
boards of examiners for..... Rule XXVI,	430
schemes of qualifications for, when published..... Reg. 39,	446
schemes of examinations for certain positions in	468

SCHEDULE D.

positions included in..... Rule XXVII,	430
appointments to, how made..... Rule XXVIII,	431
classes of qualifications for..... Rule XXIX,	431
boards of examiners for..... Rule XXVI and Regs. 9 and 34, 430, 440,	445
subjects of examinations for..... Rule XXIX, Reg. 34, 431,	445

SCHEDULE E.		PAGE.
positions in, to be filled by promotions.....	Rule XXXI,	433
included in.....	Rule XXX,	432
SEAL, OFFICIAL.		
may be provided by the Commission.....	§ 4,	408
SECRETARY OF COMMISSION.		
how appointed and salary of.....	§ 3,	407
may administer certain oaths.....	§ 2,	405
classified.....	Class I,	446
included in Schedule A....	Rule V,	420
general duties of, defined....,	Reg. 3,	439
SECRETARY OF STATE.		
deputy of, included in Schedule A.....	Rule V,	420
SECRETARIES OF STATE BOARDS.		
classified.....	Class I,	446
included in Schedule A.....	Rule V,	420
SENATE.		
may require any person nominated for its confirmation to be classified and pass an examination.....	§ 7,	409
no recommendation for place shall be received from any member of, except as to character and residence.....	§ 9,	410
no recommendation for place from officer confirmed by, shall be received, except as to character and residence.....	§ 9,	410
STATE ENGINEER AND SURVEYOR.		
deputy of, included in Schedule A	Rule V,	420
engineers under. See "CANALS."		
STATE TREASURER.		
deputy of, chief clerk, bookkeeper and pay clerks included in Schedule A	Rule V,	420
STEAM ENGINEERS.		
included in Schedule D.....	Rule XXVII,	430
STENOGRAPHER OF COMMISSION.		
how appointed and salary of.....	§ 3,	407
general duties of.....	Reg. 4,	440
STEWARDS. See "ASYLUMS."		
SUBDIVISIONS.		
of classes defined.....		451
no transfer from one to another without an examination,	Rule XXXVII,	435
SUBJECTS OF EXAMINATION.		
Obligatory,		
general standing based on proficiency in.....	Rule XIV,	424
minimum in each is fifty, and in general average of all is seventy.....	Rule XV,	425

INDEX TO RULES AND REGULATIONS. 541

SUBJECTS OF EXAMINATIONS — (Continued).

PAGE

marking of, how made..... Reg. 26, 443
schemes of examination, Schedule B..... 464

Optional,

may be added to the obligatory ones..... Rule XIV, 424
standing on, how recorded..... Rule XVI, 425
when to be certified for selections in appointment, Rule XVII, 425
standing on, how ascertained..... Reg. 29, 443
schemes of, for Schedule B..... 464
persons selected for proficiency in, to be specially gazetted,
Rule XVII, 425
for Schedule C, to be determined by Commission in consulta-
tion with heads of departments..... Rule XXIV, 429
for Schedule C, questions in, to be prepared by the chief
examiner..... Rule XXV, 429
for Schedule C, will be published from time to time.. Reg. 39, 446
for Schedule C, schemes for, how published..... 464

SUPERINTENDENTS OF DEPARTMENTS. See "INSURANCE;" "BANK-
ING;" "PRISONS;" "PUBLIC BUILDINGS;" "ASYLUMS;" "RE-
FORMATORIES."

SUPERVISORS OF AQUEDUCTS,

at salt works, classified..... Class V, 449
at salt works, included in Schedule C..... Rule XX, 426

TEMPORARY APPOINTMENT.

shall not be made of persons ineligible to a permanent appoint-
ment..... Rule XXXIV, 434
of substitutes in asylums, prisons and reformatories permitted
for thirty days..... Rule XXXIV, 434
every such must be reported within five days..... Rule XXXIV, 434

TRADESMEN, EXPERT.

in asylums, etc., classified..... Class VII, 450
in asylums, etc., included in Schedule D..... Rule XXVII, 430

TRANSFERS.

none, without examination, except to similar position,
Rule XXXVI, 435
all must be reported to Commission for record,
§ 2 and Rule XLIII, 405, 436

TREASURER.

of asylums. See "ASYLUMS."
State. See "STATE TREASURER."

VACANCIES.

in positions in Schedule A, how filled..... Rule VI, 421
in positions in Schedule B, how filled..... Rule XVII, 425
in positions in Schedule C, how filled..... Rule XXV, 429
in positions in Schedule D, how filled..... Rule XXVIII, 431
in positions in Schedule E, how filled..... Rule XXXI, 433
Commission can not advise applicants of..... Reg. 19, 442

WATCHMEN.**PAGE**

classified.....	Class III,	448
included in Schedule D.....	Rule XXVII,	430

WEIGHTS.

given subjects in examination, how used, Rule XIV, Reg. 29, 424,	443
given subjects in examination in Schedule B.....	464

WORKMEN. .

not to be classified under the rules.....	§ 6,	408
---	------	-----

WITNESSES.

may be summoned by Commission by subpoena.....	§ 16,	413
fees of, allowed and how paid.....	§ 16,	413
appropriation for fees of.....	§ 6,	414

